



**Governance and Human Resources**  
Town Hall, Upper Street, London, N1 2UD

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## AGENDA FOR THE LICENSING REGULATORY COMMITTEE

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Members of the Licensing Regulatory Committee are summoned to a meeting which will be held in Committee Room 3, Town Hall, Upper Street, N1 2UD on **12 June 2018 at 4.00 pm.**

**Yinka Owa**  
**Director of Law and Governance**

Enquiries to : Mary Green  
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E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched 4 June 2018

### Membership 2018/19

Councillor Nurullah Turan (Chair)  
Councillor Alice Clarke-Perry  
Councillor Kat Fletcher  
Councillor Michelline Safi Ngongo

### Substitute Members

Councillor Mouna Hamitouche MBE  
Councillor Martin Klute  
Councillor Marian Spall  
Councillor Flora Williamson

Quorum: is 3 Councillors

Procedures to be followed at the meeting are attached.



## **A. FORMAL MATTERS**

**Page**

1. Apologies for absence
2. Declaration of substitute members
3. Declarations of interest

If you have a Disclosable Pecuniary Interest\* in an item of business:

- if it is not yet on the council's register, you must declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may choose to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you must leave the room without participating in discussion of the item.

If you have a personal interest in an item of business and you intend to speak on the item you must declare both the existence and details of it at the start of the meeting or when it becomes apparent but you may participate in the discussion and vote on the item.

\*(a) Employment, etc - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to all members present at the meeting.

- |    |   |        |
|----|---|--------|
| 4. | Procedure for the meeting - this is attached  | 1 - 2  |
| 5. | Minutes of the previous meeting   | 3 - 6  |
| 6. | Membership, terms of reference and dates of meetings of the Licensing Regulatory Committee in 2018/19 | 7 - 10 |

<b>B.</b>	<b>LICENSING MATTERS</b>	<b>Page</b>
7.	London Local Authorities Act 1990: Section 28(1) - Breach of street trading conditions - Whitecross Street	11 - 40

**C. Urgent non-exempt/non-confidential matters**

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**D. Exclusion of public and press**

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of Schedule 12A of the Local Government Act 1972 and, if so, whether to exclude the press and public during discussion thereof.

**E. Exempt/confidential matters (if any)**

**F. Urgent exempt/confidential matters**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

The next meeting of the Licensing Regulatory Committee is scheduled for 6 November 2018

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## LICENSING REGULATORY COMMITTEE

### PROCEDURE FOR THE HEARING OF OBJECTIONS TO STREET TRADING, TRACK BETTING, AND SPECIAL TREATMENT LICENCES

1. The Chair of the Licensing Regulatory Committee shall:
  - (a) invite all members of the Committee, the applicant, the objector, their representatives and any witnesses and officers to introduce themselves
  - (b) ascertain whether the applicant and objector(s) are present and, if unaccompanied, whether they were aware that they could be represented
  - (c) outline the procedure to be followed at the meeting
2. The Service Director (Public Protection) or his/her representative, will introduce the application.
3. (a) Council officer reports on noise and other matters  
(b) Questions to officers from objectors and applicants
4. The applicant or his/her representative will present in detail the grounds of the application.
5. Objectors and members of the Committee may ask questions only of the applicant at this stage. Statements will not be allowed.
6. The objector(s) or his/her representative(s) will present in detail the grounds of the objection and may call witnesses in support of the objection.
7. The objector(s) and any witnesses may be called be questioned by members of the Committee, the applicant or his/her representative(s) and appropriate officers of the Council. Statements will not be allowed. Witnesses called by the objector(s) may be re-examined by the objector(s) or his/her representative on matters arising from those questions.
8. A Ward councillor may be present at the meeting and may make a statement to the Committee regarding the application, if the required notice has been given.
9. The objector(s) or his/her representative may then make a closing speech.
10. The applicant or his/her representative may then make a closing speech.
11. Members of the Committee may withdraw from the room to consider their decision. The Council's legal adviser and the clerk will accompany Members, in case legal or procedural advice is required.
12. The Licensing Officers, objectors(s), applicant, any representative(s) and witnesses will remain available for recall.
13. If it is necessary to recall any party to provide further information or clarification, all parties at the meeting will be invited to return.
14. At the conclusion of the public hearing, the Committee will consider the evidence presented and the Chair will announce the decision, together with any conditions deemed fit to apply to the application. Reasons will be given for the decision and any conditions imposed on the licence.  
  
This will be confirmed in writing to the applicant and objector(s), or to their legal representative, accompanied by a description of any conditions which are to be attached to the granting of the licence, or the reasons for the refusal of the application. The applicant will be told of any statutory rights of appeal which are available to him/her.

NB - These procedures may be waived, altered or modified by the Chair of the Licensing Regulatory Committee

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London Borough of Islington

## Licensing Regulatory Committee - 5 February 2018

Non-confidential minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, N1 2UD on 5 February 2018 at 4.00 pm.

**Present:**            **Councillors:**            Nurullah Turan (Chair), David Poyser, Michelline Safi-Ngongo and Marian Spall (Vice-Chair)

### Councillor Nurullah Turan in the Chair

**62            APOLOGIES FOR ABSENCE (Item 1)**

None.

**63            DECLARATION OF SUBSTITUTE MEMBERS (Item 2)**

None.

**64            DECLARATIONS OF INTEREST (Item 3)**

Councillor David Poyser declared an interest in agenda item B1 (Application to designate an area of the highway in Archway Close, N19 3TD, for street trading purposes), as a member of the Archway Town Centre Management Group. In addition, the "ArchWay With Words Books Festival" had received a grant from the Council under the Local Initiatives Fund awards scheme.

Councillor Marian Spall declared an interest in agenda item B1 (Application to designate an area of the highway in Archway Close, N19 3TD, for street trading purposes), as the Vice-Chair of Elthorne Pride.

**65            MINUTES OF THE PREVIOUS MEETING (Item 5)**

**RESOLVED:**

That the minutes of the meeting held on 13 December 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**Matter arising:**

**Minute 60 – Breach of street trading conditions – Finsbury Square -** The Service Manager for Street Trading and Trading Standards updated the Committee on progress regarding the oversized trading vehicle in a pitch at Finsbury Square. He said that, up to this day, Street Trading officers had been discussing with the trader and the Council's Public Realm Team the possibility of extending the pitch into the cycle bay situated outside the Hotel. However, the trader had now stated that he was considering the purchase of a smaller vehicle to fit into the existing pitch. Council officers were due to meet with the trader in two weeks.

66

**APPLICATION TO DESIGNATE AN AREA OF THE HIGHWAY IN ARCHWAY CLOSE, N19 3TD, FOR STREET TRADING PURPOSES (Item B1)**

The Street Trading Manager introduced the report, which sought approval to the designation for street trading purposes of an area in Archway Close, N19 3TD, on Wednesdays, Saturdays and Sundays, from 8.00am to 8.00pm.

In response to a question from a member of the Committee as to whether all written responses from businesses and the public had been included with the report, the Street Trading Manager stated that all but one written representation had been included with her report. The person making the representation had asked why the specific days for trading had been suggested. The Street Trading Manager had informed the enquirer that the purpose of the Committee meeting on 5 February 2018 was for members to consider whether or not to designate the particular area for street trading purposes and that all other licensing issues, including days of operation, would be considered by officers, in communication with traders, once the designation had been approved.

Ms Stephanie Smith, the operator of the existing Archway Market on Holloway Road and the proposed operator of any new market under the proposed designation, was invited to address the Committee. Ms Smith stated that the business plan circulated with the report for this Committee had been updated, that a mixed community market was proposed, with food, a book stall, antiques and one free stall, which would be reserved for neighbourhood purposes. She was prepared to bear the cost of that free stall. A further two stalls would be for “pop-ups” and not permanent traders. In addition, as she enjoyed a good working relationship with local businesses, she hoped to use the new market as a springboard for involving young people, working in partnership with Elthorne Pride.

The Street Trading Manager stated that, once the designation had been approved, officers would be considering details such as the positioning of stalls in the new market to ensure that they did not block shop entrances etc.

In response to questions about timescales for the establishment of the proposed new market, the Street Trading Manager said that planning permission would have to be sought and notices would have to be published in the local press and the whole process was expected to take a couple of months.

The Legal Officer confirmed that, if the designation was approved at today’s meeting, the designation would take effect after the expiration of one month and officers would have to publish the passing of the designating resolution in a local newspaper on two consecutive weeks, the first publication being no later than 28 days after the designating resolution was passed. Planning approval would also have to be sought and could take between six and eight weeks.

A member of the Committee noted that one of the representations made relating to the question of access by emergency vehicles to the Church or the shops in the vicinity had not been addressed. Ms Smith, the proposed market operator, assured members that she was working with Council officers on that issue.



Members expressed a hope that there would be no delays in seeking planning approval and that the market would be established as soon as practicable.

**RESOLVED:**

That approval be granted to the designation of an area measuring approximately 500 square metres on the new public space in Archway, between 1 Archway Close and the Central Hall buildings, N19 3TD, and detailed in Appendix 1 to the report of the Service Director for Public Protection, for street trading purposes, on Wednesdays, Saturdays and Sundays, from 8.00am to 8.00pm, this resolution to come into effect no earlier than 5 March 2018.

**Reason for decision**

The Committee considered all of the written and oral evidence and noted both the written representations raised by persons opposed to the designation and the representations from those who supported the designation.

The Committee noted the Market Business Plan submitted by an experienced Markets Operator for a new market in Archway Close.

The Committee wished to support the regeneration of the Archway area in accordance with the Council's Street Trading Strategy for 2017-2022 and to help to promote and enhance the local environment.

**Note of the Committee**

The Committee expressed the hope that there would be no delays in the process to establish the new market, particularly in the planning process.

The meeting ended at 4.25 pm

**CHAIR**

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<b>Report of:</b> Corporate Director of Resources
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Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	12 June 2018		n/a

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## **Subject: MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS OF LICENSING REGULATORY COMMITTEE in 2018/19**

### **1. Synopsis**

To inform members of the remit of the Licensing Regulatory Committee.

### **2. Recommendations**

- 2.1 To note the membership of the Licensing Regulatory Committee, appointed by the Council on 24 May 2018, its terms of reference and dates of meetings for the municipal year 2018/19, as set out at Appendix A.
- 2.2 To appoint a Vice-Chair for the current municipal year, or until a successor is appointed.

### **3. Background**

- 3.1 The terms of reference of the Licensing Regulatory Committee (as contained in Part 5 of the Council's Constitution) are set out at Appendix A. The quorum of the Committee is three Councillors.
- 3.2 The membership and dates of meetings in 2018/19 are also set out at Appendix A for information.

#### **Vice-Chair of the Committee**

- 3.3 The Constitution states that "At the first meeting following the Annual Meeting of the Council, committees shall appoint their Chairs and Vice-Chairs for the municipal year unless already appointed by the Council. The Vice-Chair of a committee shall have all the powers and functions of the Chair when acting as Chair".

The Council appointed Councillor Nurullah Turan as Chair of the Committee for 2018/19, but did not appoint a Vice-Chair. The appointment of a Vice-Chair is therefore a matter for the Committee.

## **4. Implications**

### **4.1 Financial Implications**

None.

### **4.2 Legal Implications**

None.

### **4.3 Resident impact assessment**

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A resident impact assessment has not been carried out since this report relates solely to the administrative arrangements for the Committee and will not impact upon residents.

### **4.4 Environmental Implications**

Papers are circulated electronically where possible and consideration is given to how many copies of the agenda might be required on a meeting by meeting basis with a view to minimising numbers. Any agenda not used at the meeting are recycled.

## **5. Conclusion and reasons for recommendation**

The report is submitted to inform members of the remit of the Committee.

### **Background papers:**

None.

Final Report Clearance

Signed by

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Corporate Director of Resources

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Date

Report author      Mary Green  
Tel                    020 7527 3005  
E-mail               [mary.green@islington.gov.uk](mailto:mary.green@islington.gov.uk)

## 1. COMMITTEE MEMBERSHIP 2018/19

Councillors	Substitute Members
Councillor Nurullah Turan (Chair)	Councillor Mouna Hamitouche MBE
Councillor Alice Clarke-Perry	Councillor Martin Klute
Councillor Kat Fletcher	Councillor Marian Spall
Councillor Michelline Safi Ngongo	Councillor Flora Williamson

## 2. MEETING DATES (all at 4.00pm)

12 June 2018	6 November 2018	4 February 2019
11 June 2019		

## 3. TERMS OF REFERENCE OF THE LICENSING REGULATORY COMMITTEE

### Terms of Reference

1. To determine applications for street trading, track betting and special treatment licences where there are unresolved objections to those applications.
2. To designate streets as licensed streets.
3. To revoke licences (except on the ground of non payment of fees).
4. To set and review policy in relation to the matters coming within the remit of the committee.
5. To take decisions on any other licensing matter referred to it by the Corporate Director of Environment and Regeneration, except those which may lawfully be taken by the Licensing Committee established for the purpose of the Licensing Act 2003 and the Gambling Act 2005.
6. The hearing of representations and the determination of applications for a licence of a Scrap Metal Dealer, under the Scrap Metal Dealers Act 2013, where the Service Director of Public Protection proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority, within the prescribed time, that they require the opportunity to make representations about the proposal.

### Delegation to Officers

All functions under the Scrap Metal Act 2013 not within the terms of reference of the Licensing Regulatory Committee are delegated to officers as detailed in Part 3 and Appendix 2 of the Constitution.

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Report of: Service Director (Public Protection)

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory	12 June 2018		Bunhill ward

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### SUBJECT: LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) SECTION 28 (1) BREACH OF STREET TRADING CONDITIONS – MR MATTEO BOREA - LICENCE 564 WHITECROSS STREET

#### 1. Synopsis

- 1.1 This report relates to the persistent breaches of street trading conditions by a licensed trader, Mr Matteo Borea; on pitch 64 in Whitecross Street Market, *see appendix 1*
- 1.2 The breaches related to this report are as stipulated under Section 28 (1) (c), (d) and (h) in the London Local Authorities Act 1990 (as amended)

#### 2. Recommendation

- 2.1 To revoke the street trading licence of Mr Matteo Borea, licensed trader on pitch 64 in Whitecross Street Market to trade on Thursday & Fridays.

#### 3. Background

- 3.1 The authority regulates all street trading activities in the borough and is responsible for issuing licenses and ensuring that rules and regulations are adhered to. Such rules and regulations are governed by the London Local Authorities Act 1990 (as amended) (LLA Act).
- 3.1 The LLA Act Section 28 states that a licenced may be revoked if inter alia:
  - (c) the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of his licence
  - (d) the licence holder is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;

(h) the licence holder has persistently failed to comply with any condition of his licence

3.2 Section 27(3) of the London Local Authorities Act 1994 states, the borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal. The current Street Trading Conditions were approved by the Licensing Regulatory Committee in July 2016. The conditions related to this report are detailed below:

Clause 2: 'The Council reserves the right to suspend any licence on account of failure to comply with these conditions'

Clause 4 of the Street trading conditions states:

'The business activity of the stall shall be undertaken in compliance with other legislation enforced by the Council or other Agencies, e.g. Environmental Health, Health and Safety, Food Safety, Trading Standards, Fire Prevention, Waste Management and Highways Regulations.

Clause 11 of the Street trading conditions states:

'if a nominated assistant is trading in the absence of the licensee, they must display their stall card'

Clause 66 of the Street trading conditions states:

'All licensed food traders shall achieve and maintain for the duration of their licence a Food Hygiene Rating Standard of 3 or higher.'

- 3.3 Mr Matteo Borea "licensee" has been licenced to sell Mature Cheeses, Cured Meats and Hot & Cold sandwiches in on pitch 64 in Whitecross Street Market for approximately 7 years
- 3.4 Georgette Toska, one of the Councils Environmental Health Officers (EH officer), inspected Mr Matteo's pitch on 14 March 2017 and reported back that she had awarded the business a food and hygiene a score rating of '1'. This score meant 'major improvement' was needed. As the licensee was not present Ms Toska immediately emailed him and the street trading team, her findings, **see appendix 2 (a), (b) and (c) and responses (d) and (e).**
- 3.5 This matter was brought to the immediate attention of David Fordham, Service Manager for Street Trading, who on 15 March 2017, after careful consideration, suspended Mr Matteo's street trading licence with immediate effect, **see appendix 3.**
- 3.6 After a series of emails and a meeting with the council's street trading panel, Mr Borea was able to satisfy the council that he had made the necessary improvements and that his practices were now acceptable. As a result, on 10 April 2017 Mr Borea's licence was reinstated with a warning that his practices would continue to be monitored. He was also advised of the likely consequences if there were further concerns regarding health and safety, **see appendix 4.**
- 3.7 There were further communications in May 2017 clarifying Mr Borea's responsibilities with reference to having assistants on the stall, **see appendix 5 (a) (b) and (c)**
- 3.8 In August 2017 the licensee informed the council of a new assistant, Thomas Genti, **see appendix 6**
- 3.9 On the 1 August 2017 the council received an email from 'Jacopa Lonardi' requesting to vary the said licence to allow the sale of hot foods claiming that he was working with the licensee. As this person was not known to the council the request was rejected. The licensee followed up the request for the variation but it was again rejected on the grounds that
- the council was not allowing further hot food stalls in the market (there was, and still is, a waiting list)
  - the licensee could not confirm that he was able to personally avail himself of the licence



- 3.10 On the 8 March 2018 there was another inspection of the Mr Borea's pitch. Once again, major concerns were highlighted. Neither the licensee nor the nominated assistant, Thomas Genti were present. Street trading received an email by the investigating officer Georgette Toska, **see appendix 7**.
- 3.11 On 9 March Mr Borea's licence was again suspended. Mr Borea was informed of this decision by email, **see appendix 8**
- 3.12 On the 12 March Street trading received a further email from the Ms Toska (EH officer) who confirmed that suspending the licence was the correct thing to do under the circumstances, especially as neither of the two traders present were authorised assistants and Mr Matteo was not present to oversee.
- 3.13 On 22 March, following a series of telephone conversations between the licensee and the street trading manager; the licensee was advised by the street trading manager that as the matter was a public concern, the suspension of the licence would not be rescinded until the matter could be heard at the next meeting of the Licensing Regulatory Committee; where a report recommending the revocation of the licence would be submitted. This was confirmed in an email to the licensee, **see appendix 9**.
- 3.14 A recent survey of the Whitecross Street register revealed that since 1 September 2017, Mr Borea has personally traded on only 4 occasions.
- 3.15 In an email dated 15 May 2018 the licensee confirmed that he would be attending the meeting scheduled for 12 June 2018, to present his case.
- 3.16 On 4 April 2018 a letter outlining the details of the Licensing Regulatory Committee meeting and giving the licensee the opportunity to attend was posted to the licensee, **see appendix 10**.

## 4 Implications

### 4.1 Financial implications

The current rental for this pitch is £26.00 per week. If the licence is revoked there would be a loss to the account of £1352.00 per annum. However, with current demand for pitches for the sale of take away type foods this pitch could be re assigned to another trader.

### 4.2 Legal implications

4.3 Section 28 (1) of the London Local Authorities Act 1990 (as amended) ("the Act") sets out the grounds on which the Council may at any time revoke a licence. These grounds include if the Council is satisfied that:

(c) the licence holder is an individual who has without reasonable excuse personally failed fully to avail himself of his licence;

(d) the licence holder is on account of misconduct or for any other sufficient reason unsuitable to hold the licence; or

(h) that the licence holder has persistently failed to comply with any condition of his/her licence

The Act requires the Council to give the licence holder not less than 21 days' previous notice in writing that revocation is proposed and give the licence holder the opportunity to appear before the committee determining the matter.

4.4 The committee must consider any representations made by the licence holder. In determining each case, the Council should act reasonably taking into account all relevant factors and ignoring all irrelevant factors.

The Human Rights Act 1998 makes it unlawful for the Council to act in a manner incompatible with

Convention Rights. Convention Rights include the right to peaceful enjoyment of possessions (a licence has been held to be a person's possession). The licensee has the right to a fair hearing within a reasonable time by an independent and impartial tribunal. The decision of the Committee must be based on the principle of proportionality and reasons for the decision should be given.

- 4.5 Section 28(2) of the Act provides that the Council may instead of revoking a licence, vary its conditions by attaching further conditions (a) reducing the number of days in any week or the period in any one week during which the licence holder is permitted to trade; (b) specifying a different licence street or position or place at which the licence holder may trade; (c) restricting the items which the licence holder is permitted to sell.

If a licence is revoked or varied, the licence holder has a right of appeal to a magistrates' court. Any appeal must be made by the licence holder within 21 days of receiving written notice of the committee's decision.

## 5 Conclusion

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

The sale of foods in the market are under heavy scrutiny from residents and members of the public, who on occasions challenge the standards accepted by street vendors compared to premises. In the past few years the Environmental health teams have worked very closely with the street traders giving them all the necessary advice to ensure high standards are maintained. A protocol has been agreed between the Environmental Health team and Street trading so each are immediately notified of any issues and concerns and action is taken without delay so that the health of members of the public is not put at risk. This has worked extremely well with raising standards.

In reference to this case the serious issues raised have included:

- the sale of items that have not been vetted or approved by Street Trading or EH Officers
- a history of noncompliance of hygiene matters (including a Food Hygiene rating of 1 – major improvement needed), despite all the advice being given.
- unauthorized assistants left on the pitch as witnessed by the EH officer, see 3.10
- licensee not present to oversee operation, see 3.14

Both Environmental Health Officers and Street Trading Officers have attempted to resolve the issues outlined in the report over a lengthy period of time with Mr Borea but these efforts have, unfortunately, proved to be unsuccessful.

### Background papers:

Standard Street Trading Conditions

Letters/emails kept on file

London Local Authorities Act 1990 (as amended)

Final report clearance:

Signed by:



Service Director – Public Protection

Date 1st June 2018

Received by:

Head of Democratic Services

Date

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Legal Implications

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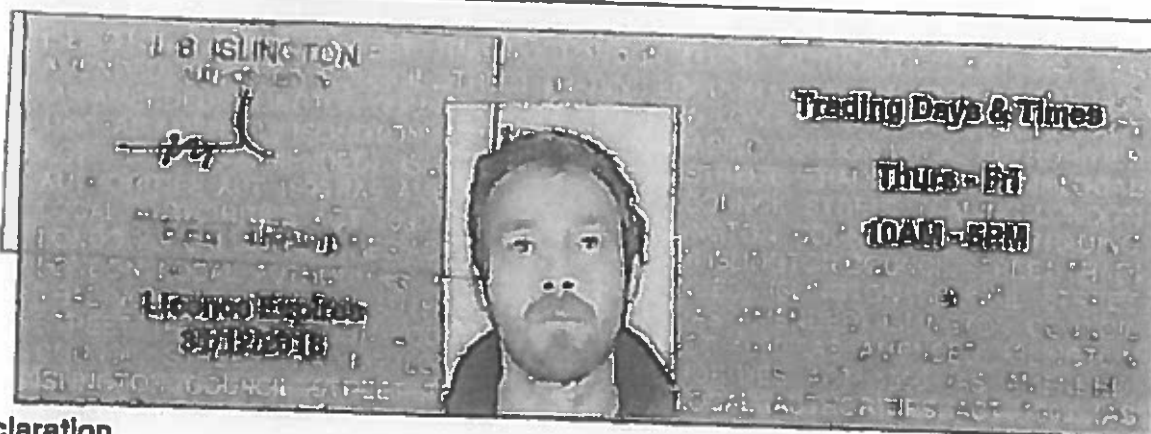


ISLINGTON

**STREET TRADING LICENCE**  
valid from 01/01/2016

This licence permits the person named to trade in the street as detailed below in accordance with and as defined in the London Local Authorities Act 1990 (as amended). This licence continues to remain in force until the expiry date unless it is surrendered or revoked, in which case, it must be returned to Islington Council.

Market	WHITCROSS STREET MARKET		Licence Number	564
Exact Location	no.127		Pitch Number	64
Maximum Pitch Size	9' 10" x 8' 2" (3m x 2.5m)	Licence Period	2016-2018	
Class of Commodity	Mature Cheeses, Cured Meats, Hot & Cold sandwiches			
<b>Personal Details</b>				
Surname/ Family Name	Borea	First Name/s	Matteo	
		Date of Birth:	[REDACTED]	
Home Address	[REDACTED]			
Postcode	[REDACTED]			

**Declaration**

I, Mr Matteo Borea have read the standard street trading conditions and I agree to abide by them. I confirm that the information given above is correct to best of my knowledge. I also acknowledge that if I fail to abide by the street trading conditions or the information provided by me is subsequently found to be false it may result in the street trading license being withdrawn.

Signature .....

Date .....

23/2/2016



## **APPENDIX 2 (a)**

**From:** Toska, Georgette

**Sent:** 14 March 2017 17:04

**To:**

**Cc:** Fordham, David; Dervish, Hourie; Kaufman, Simon; Oranu, Obi

**Subject:** Delimala / Church of Cheese. Whitecross Street Market, London EC1Y 8TD

**Importance:** High

Dear Mr Borea,

**Delimala / Church of Cheese. Whitecross Street Market, London EC1Y 8TD**

### **The Food Safety and Hygiene (England) Regulations 2013 and associated legislation**

Further to my Food Hygiene and Standards inspection of your stall today, I am writing to advise you that you have not passed the inspection and have been awarded a Food Hygiene Rating of **1 Major Improvement Necessary**.

Due to concerns of temperature abuse (and the very probable risk of selling unfit food), the Food Handler on duty, Ms Emmerline Smy took the sensible decision to discard some of the cheeses and ready-to-eat meats. The new stock, delivered that morning is to be stored in the Salad Kitchen fridges (at 126 Whitecross Street) at the close of trade. However, this is an emergency arrangement for one day only and you must therefore find a long term appropriate solution which allows you to store your food hygienically and **below +8°C**. The beer room in the basement of the 2 Brewers pub (where you have been keeping your food) is not suitable for the storage of high-risk food. This is because it has an air temperature of **+11.3°C** and will therefore not keep your food below +8°C.

Please find attached my post inspection report which provides further details of the temperature control issue and other areas of non-compliance (which includes inadequate hot water supply, lack of a HACCP based Food Safety Management System, lack of allergen identification, lack of date coding of high-risk food and poor staff training).

I should point out that this is your third Food Hygiene Inspection and it is unfortunate that many of the issues raised today have also been raised during your other inspections.

**14 March 2017. Food Hygiene Rating of 1 Major Improvement Necessary**

**19 February 2015. Food Hygiene Rating of 4 Good.**

**8 January 2014. Food Hygiene Rating of 1 Major Improvement Necessary**

As I have explained previously, your Licence conditions stipulate that you must achieve a Food Hygiene Rating of at least **3 Generally Satisfactory** (which you have only achieved once out of 3 inspections). As this is not the case, this matter will now be referred to both the Commercial Environmental Health and Street Trading Managers for further consideration (they have been copied in to this e-mail). A Case Review will now be undertaken and I will write to you again regarding the outcome of this.

In the meantime, you must ensure that all matters detailed in my report are addressed as a matter of urgency and in some cases **before** you next trade.

Yours sincerely,

**Georgette Toska**  
Food Safety Officer  
Commercial Environmental Health- West Team  
Public Protection  
Islington Council

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#### **APPENDIX 2 (b)**

**From:** Toska, Georgette  
**Sent:** 14 March 2017 17:14  
**To:** Oranu, Obi <Obi.Oranu@islington.gov.uk>; Fordham, David <David.Fordham@islington.gov.uk>; Dervish, Hourie <Hourie.Dervish@islington.gov.uk>; Kaufman, Simon <Simon.Kaufman@islington.gov.uk>  
**Subject:** FW: Delimala / Church of Cheese. Whitecross Street Market, London EC1Y 8TD  
**Importance:** High

Dear All,  
Unfortunately, I had to insist that some of the food on the stall was discarded today as it had been kept at an unsafe temperature for a week! I then had to arrange refrigerated storage in a local café for the new stock to be kept in overnight.  
This trader has had a lot of advice over the years. He wasn't there today and the lady running the stall didn't know the basics (such as what temperature the food should be kept at). She got upset and cried, when it really isn't her fault.  
Anyway, I think a Panel meeting would be a good idea as he hasn't had one before.  
Many thanks,

Georgette





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Name and Address of Premises	Delimala: Now trading as 'Church of cheese': White Cross Street Market - London EC1V	Food Business Operator	Church of cheese Ltd.
Registered/Head Office Address		Business Type	Mr Matteo Bores Market stall

## Specific legislation under which inspection conducted:

- ☒ The Food Safety and Hygiene (England) Regulations 2013 and associated legislation
- ☒ The Food Safety Act 1990 and associated legislation
- ☐ Health and Safety at Work, etc Act 1974 and associated legislation
- ☐ Other legislation:

Areas Inspected: Stall

## Procedure/Record/Documents examined

1 invoice

No other records available

Samples Procured/Taken : 1 1/2 of stilton wheel: off cuts of ready to eatSummary of matters discussed at closing meeting: Meat + cheeses.

- |                                       |                   |
|---------------------------------------|-------------------|
| ① Temperature control and monitoring. | ⑤ Stock rotation. |
| ② Hand washing + cleaning.            | ⑥ Allergens.      |
| ③ Food safety management system       |                   |
| ④ Staff training.                     |                   |
- provided:  
• Allergen matrix + sign

## Follow up action to be taken by the Local authority:

- ☐ No further action ☐ Revisit ☐ Letter/Email ☒ Improvement notice ☐ Remedial Action Notice
- ☐ Prohibition/Emergency Prohibition Notice ☒ Possible Caution/Prosecution ☐ Other: To refer to street trading

This report only covers the areas inspected at the time of the visit. If you disagree with the action taken by the officer, please contact the Environmental Health manager for WEST Team, at the above address.

Issued by: Georgie ToskaDesignation: Food safety officer Inspection carried out at 11:45 on 14 March 2017.

Person(s) seen/interviewed: \_\_\_\_\_ Signature: \_\_\_\_\_

See page (2).

\*Forgot to sign Event page



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2 of 4

## Name and Address of Premises

Church of cheese . Whitcross Street Market . LONDON EC1Y

## Matters discussed and requiring attention:

① Temperature control and monitoring: Immediate Action.

- Today, food stored in your thermal box on the stall gave a temperature probe reading of  $11.4^{\circ}\text{C}$ .

The food stored within the boxes was ready-to-eat meats and cheeses. Those with labels stated that they needed to be kept /endgealed ( $ie +4^{\circ}\text{C}$ ). The food packs were not frozen. The was 1 bag of 1 kg

- Overnight, the same food is kept in the Two Brewers pub, basement cold room. This gave an air temperature of  $+11.3^{\circ}\text{C}$ . You cannot store your food there.

I was advised that the re-wrapped food (shilton, brie cheese and off-cuts of meat) were delivered approximately 1 week ago. Therefore, it is reasonable to assume, that under the same ongoing storage conditions, they have been kept over the maximum legal temperature requirement of  $+8^{\circ}\text{C}$ .

It was agreed that this food would not be sold, due to the concern of temperature abuse. It has been bagged and tagged. ENOSEAL 0086004. It will be discarded by the business.

Name: EMILINE SMY

Signed:

Position in company: ASSISTANT.

TYPE  
(See codes)FH  
CIM

C

C = Contravention of legal requirements

R = Recommendation of good practice

FH = Relates to Food Hygiene and Safety Procedures; ST = Relates to Structural Requirements;  
CIM = Relates to Confidence in Management (FH, ST and CIM are used when calculating your Food Hygiene Rating)

FST = Relates to Food Standards (inc labelling); HSW = Relates to Health and Safety at Work; SMF = Relates to Smokefree Requirements; OTH = Relates to other matters

Please note that if this visit has involved a primary food hygiene inspection, you will receive notification of your Food Hygiene Rating (including details of how it was calculated) in the post within 14 days. You will also be sent a certificate and door sticker for you to display your rating.



## Name and Address of Premises

church of cheese. whitcross sheet Market. London.

## Matters discussed and requiring attention:

TYPE  
(See codes)

Although there was a probe thermometer at the stall, it was not working at the time of my inspection. There were also no temperature records available, to support that checks are being made. The sole food handler on duty was not aware of the temperature requirements. Poor temperature control and monitoring, as observed today, poses a real risk to food safety.

② Hand washing + cleaning: 3 days.  
The pump thermal water flask is not adequate for hand washing and cleaning. This matter has been raised on a number of occasions. It should be noted that you handle and prepare open, high-risk food and wash all of your equipment on the stall.

I would suggest that you use an urn and washing-up bowls / buckets, as this has a greater capacity.

Please refer to the previously provided CIEH guidance regarding this topic.

④ Food Safety management system: 1 day to provide, by e-mail

Today, there was no evidence of a documented

C = Contravention of legal requirements

R = Recommendation of good practice

FH = Relates to Food Hygiene and Safety Procedures; ST = Relates to Structural Requirements;  
CIM = Relates to Confidence in Management (FH, ST and CIM are used when calculating your Food Hygiene Rating)

FST = Relates to Food Standards (inc labelling); HSW = Relates to Health and Safety at Work; SMF = Relates to Smokefree Requirements; OTH = Relates to other matters

Please note that if this visit has involved a primary food hygiene inspection, you will receive notification of your Food Hygiene Rating (including details of how it was calculated) in the post within 14 days. You will also be sent a certificate and door sticker for you to display your rating.

ST  
C.CIM  
C



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4 of 4

## Name and Address of Premises

Church of Cheese. Whitcross Street Market. LONDON N1

## Matters discussed and requiring attention:

Food safety management system based on the principles of HACCP. This includes evidence of staff training, opening + closing checks and temperature monitoring records.

TYPE  
(See codes)

④ Staff training: Immediate action  
Today, the food handler working alone was not sufficiently trained in food hygiene matters (as illustrated in Part 1: temperature control). The equivalent of level 2 training, must be undertaken by staff who work alone, or are expected to supervise someone else.

CIM  
(C)

⑤ Stock rotation: Immediate action  
Today, there were pieces of cheese and meat that were undated. I was advised that you had them for about 1 week. It is good practice to date 'label 1e-wrapped' produce (taking into account the manufacturer's guidance). This will help stock rotation and daily date checks, which should be carried out.

CIM  
(C)

⑥ Allergens. 1 week.  
Identify, which of the 14 allergens are contained in your food.

FS  
CIM  
(C)

C = Contravention of legal requirements

R = Recommendation of good practice

FH = Relates to Food Hygiene and Safety Procedures; ST = Relates to Structural Requirements;  
CIM = Relates to Confidence in Management (FH, ST and CIM are used when calculating your Food Hygiene Rating)

FST = Relates to Food Standards (inc labelling); HSW = Relates to Health and Safety at Work; SMF = Relates to Smokefree Requirements; OTH = Relates to other matters

Please note that if this visit has involved a primary food hygiene inspection, you will receive notification of your Food Hygiene Rating (including details of how it was calculated) in the post within 14 days. You will also be sent a certificate and door sticker for you to display your rating.

## APPENDIX 3

**From:** Fordham, David

**Sent:** 15 March 2017 12:03

**To:**

**Cc:** Toska, Georgette <Georgette.Toska@islington.gov.uk>; Kaufman, Simon <Simon.Kaufman@islington.gov.uk>; Demetriou, Chris <Chris.Demetriou@islington.gov.uk>; Trading, Street <Street.Trading@islington.gov.uk>; Nash, Rosemary <Rosemary.Nash@islington.gov.uk>; Lysaght, Mark <Mark.Lysaght@islington.gov.uk>; Morgan, Gerald <Gerald.Morgan@islington.gov.uk>; Oranu, Obi <Obi.Oranu@islington.gov.uk>

**Subject:** Food Hygiene Inspection

Dear Mr Borea

**Delimala / Church of Cheese. Whitecross Street Market, London EC1Y 8TD**

I was extremely disappointed to be informed by Georgette Toska – Food Safety Officer, that your food hygiene inspection of your stall in Whitecross Street on 14th March 2017, has resulted in a score of 1 – Major Improvement Necessary.

As you will be aware, the Street Trading licence conditions state “All licensed food traders shall achieve and maintain for the duration of their licence a Food Hygiene Rating Standard of 3 or higher”.

The score of 1 falls way below the expected and required standards for our food traders in markets and as a result, I have no other option other than to suspend your Street Trading licence for a minimum of 1.5 weeks with immediate effect.

You will not be able to trade in Whitecross St during this period.

You are invited to attend a review meeting at 3.00 pm on Monday 27th March so that I can determine whether your licence should be reinstated. This period of suspension will give you the opportunity to take on board any recommendations and improvements suggested by Ms Toska or her team.

Another matter of concern, and of which I have no doubt is a contributing factor to your poor score, is your infrequent attendance at the stall.

The Street Trading conditions state;

“You must be in personal attendance on your pitch for the majority (at least 50 per cent) of the working day, apart from absences for illness or holidays unless otherwise approved by the Council. You must attend and trade for a minimum of three days each week unless otherwise approved by the Council.”

Again, when we meet on 27th March, I will need to receive reassurances that you can meet the above condition.

If the above date is not convenient then please contact the Street Trading section to rearrange, but please remember that your licence will remain suspended until I am satisfied that you can meet the above Street Market conditions.

Yours Sincerely

David Fordham

Service Manager

## Trading Standards and Street Trading

#### APPENDIX 4

**From:** Fordham, David  
**Sent:** 10 April 2017 15:04  
**To:**;  
**Cc:** Dervish, Hourie <Hourie.Dervish@islington.gov.uk>; Kaufman, Simon <Simon.Kaufman@islington.gov.uk>  
**Subject:** RE: Matteo Borea Church of Cheese delimala Inspection

Dear Mr Borea

I have received both your e-mails with your updated instructions, and have discussed their contents with Mr Oranu and Ms Toska.

If all these matters referred to in the e-mails are in place and you are confident that your staff have been properly trained, then I think it is appropriate that we reinstate your licence with immediate effect.

This means that you can start trading again in the market.

Once you are trading, you will receive an unannounced inspection from one of our Environmental Health Officers who will report their findings to me.

If you have taken on board all the advice given, then you will be able to continue trading in Whitecross St, but I must warn you that If we do find significant further problems on this next or future inspections, then it is highly likely that your licence will be revoked.

Regards

David Fordham

Service Manager

Trading Standards and Street Trading





#### **APPENDIX 5 (a)**

From:

Sent: 23 May 2017 09:20

To: Toska, Georgette

Subject: Matteo borea white cross stall inspection

Dear Georgette,

I would like to update you on my upgrade. Since last inspection I've upgraded the market hygiene situation as you asked me.

The food is now kept in a fridge with low temperature during the non trading time, all the temperature records are checked twice daily and recorded, I have a urn with a tap for washing hands with hot free flowing running water, and I have a small fridge/freezer to keep the cheeses and meat stored in during the trading times a way to always keep the cold rotation.

I've been in London for the last three weeks but unfortunately I need to go away for something like ten days from today.

I was wondering if its recommended to wait for you for the next inspection and keeping the stall closed or if its fine to let the stall for this period at Emmerline Smy. Emmerline is on the license as assistant and she has been working with me for the past three weeks to make sure that she knows all the steps and updates.

Sorry to be a bit unsure, but after the last inspection I want all the things made in proper ways in case you recommend my presences will keep shout until my come back at the end of May.

Have a good day and see you soon,

Matteo Borea

#### **APPENDIX 5 (b)**

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

From: Toska, Georgette

Sent: 23 May 2017 10:16

To: 'matteo borea'

Cc: Fordham, David; Dervish, Hourie

Subject: RE: Matteo borea white cross stall inspection

Good morning Matteo,

Thank you for your e-mail. I do not have any issue of you leaving Emmerline in charge of the stall, as long as your Food Safety Management System is implemented and that your food is kept safe. With regard to your licence conditions however, you must check that this is permitted. I have copied Mr David Fordham and Mrs Hourie Dervish into the e-mail for their consideration.

Thank you for keeping me up to date.

With kind regards,

Georgette

## APPENDIX 5 (c)

From:

Sent: 23 May 2017 11:38

To: Toska, Georgette <Georgette.Toska@islington.gov.uk: Dervish, Houriyeh <Houriyeh.Dervish@islington.gov.uk>

Subject: Licensee Absence

Good Morning Matteo

Following the recent problems encountered by our Environmental Health officer, part of the agreement to allow you to start trading again was that you needed to be in attendance on your stall at all times.

I note that you have been complying with this requirement for the past 3 weeks.

We obviously acknowledge that there are times when a licensee's attendance may not be possible, and that is why we allow the licensee to register an Assistant, who can cover such short periods of absence. With regard to food premises, the crucial aspect for me is whether the Assistant is properly trained to manage the stall and implement the Food Safety Management system in the absence of the Licensee. This didn't appear to be the case at the time of the last inspection.

However, you have acknowledged the past problems, and have carried out the required improvements, so if you are therefore confident that Emmerline Smy is properly trained and confident in her role, then we can agree that the stall can continue to trade under Emmerline Smy's control for the period requested.

Regards

Dave



**Thomas Genti**

**IS AUTHORISED BY ISLINGTON COUNCIL  
TO TRADE AS AN ASSISTANT ON BEHALF OF**

**MATTEO BOREA**

L.B. ISLINGTON  
AUTHORISED BY

Authorising stamp and signature

STREET TRADING

**Street Trading Licence No LN/00017417**

**Pitch Number 564**

**Whitecross Street Market**

**The named licensee MATTEO BOREA remains responsible for all trading activities on their behalf and must be carried out in accordance with the licence conditions.**

**This permit must be displayed clearly in a prominent position with the licensees' stall card and remains the property of Islington council.**

**This permit must be given up when the licence to which it relates is no longer valid. Expiry Date: 31/12/18**

**This permit is not transferable.**

Public Protection Division  
222 Upper Street  
London  
N1 1XR  
Tel 020 7527 3830  
Email [street.trading@islington.gov.uk](mailto:street.trading@islington.gov.uk)

*issued Aug 2017.*



## **APPENDIX 7**

**From:** Toska, Georgette

**Sent:** 08 March 2018 16:58

**To:** Dervish, Hourie <Hourie.Dervish@islington.gov.uk>; Kaufman, Simon <Simon.Kaufman@islington.gov.uk>

**Cc:** Fordham, David <David.Fordham@islington.gov.uk>

**Subject:** Matteo Borea. Whitecross Street Market

Hello Hourie and Simon,

I was at Whitecross Street yesterday (Wednesday 7 March) and came across Matteo Borea's stall. He was not there and the attached assistant's card was displayed. However, the named assistant was also not there.

2 gentleman: Mr Luka Loparco and Mr Settino Balena were there. They were serving hot pasta, which they had cooked on camping stoves. Luka said they had been at the market for the last 2 weeks. His mobile is . He said that the attached Licence was checked that morning and that everything is ok.

I am concerned by this as I was not aware of the change and there were a couple of things that concerned me (such as the use of camping gas!) and it would appear from what I saw that Matteo is "sub-letting his stall" as these 2 gentlemen are completely unknown to me / us. Matteo, as you will remember attended a Panel with us and was given a final warning.

I can of course inspect them but I figured that you may not be aware of the situation and may well deal with matters beforehand.

Let me know if I can help further.

Many thanks,

Georgette

**Georgette Toska**

Senior Food Safety Officer

Commercial Environmental Health- West Team



## **APPENDIX 8**

**From:** Dervish, Houriye

**Sent:** 09 March 2018 19:37

**To:**

**Subject:** Whitecross Street License Suspended

Dear Matteo

It is with regret that I have to suspend your street trading licence in Whitecross Street. It has been reported to me that you have changed the types of food on your stall and you have not been present. I was also surprised to find out that your 'assistant' was trading without the surrender of a casual voucher and led the officers to believe that he was licenced for the whole week and not just Thurs & Fri. We are very concerned especially as the commodities have not been approved by our food safety officers and we have had issues in the past with your operation.

I must now inform you that I have no option but to suspend your licence until we are able to resolve this matter. I will be on leave until Thursday next week but please do call me on my return.

Yours Sincerely

Houriye Dervish  
Street Trading Manager





## **APPENDIX 9**

**From:** Dervish, Houriye

**Sent:** 22 March 2018 17:27

**To:**

**Subject:** RE: Whitecross Street License Suspended

**Importance:** High

Dear Matteo

Further to our discussion earlier in the week, I have had to refer this case to the Street Trading Officers Panel and can now advise you the following:

Due to a history of non - compliance the council are not prepared to reinstate your licence at this stage. Your case will now be referred to the Licensing Regulatory Committee with a recommendation that the license is revoked.

Your license will remain suspended until this matter can be heard by the Licensing Regulatory Committee; the date for their next scheduled meeting is 12 June 2018.

Yours sincerely

Houriye Dervish





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**APPENDIX 10**

Mr Matteo Borea

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](mailto:houriyedervish@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

This matter is being dealt with by:  
**Houriye Dervish**

Our ref:  
Your ref:

Date: 4 April 2018

Dear Mr Borea,

**BREACH OF LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)  
WHITECROSS STREET PITCH 564**

I am writing to inform you that in accordance with Section 28 (1) (c) (d) and (h) of the London Local Authorities Act 1990 (as amended), I am referring your case to the Licensing Regulatory Committee on the grounds that:

(c) the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of his licence

(d) you as the licence holder are on account of misconduct or for any other sufficient reason unsuitable to hold the licence;

(h) you as the licence holder have persistently failed to comply with any condition of your licence:

item 4 of the Street trading conditions which states:

'The business activity of the stall shall be undertaken in compliance with other legislation enforced by the Council or other Agencies, e.g. Environmental Health, Health and Safety, Food Safety, Trading Standards, Fire Prevention, Waste Management and Highways Regulations.

Item 12 Trading may only take place on the days and during the times specified on the licence/stall card.

Item 66 of the Street trading conditions which states:

'All licensed food traders shall achieve and maintain for the duration of their licence a Food Hygiene Rating Standard of 3 or higher.'

The committee will be asked to consider this case and determine whether to:

- Revoke the licence or
- Vary the conditions on the licence by attaching further conditions or
- Take no further action

You have the right to attend and address the Committee. If you decide to exercise this right you should attend the meeting which will be held on Tuesday 12 June 4pm at Islington Town Hall, Upper Street, and N1 2UD. You may attend the meeting with a representative of your choice and call in any witnesses. If you are unable to attend and you wish to apply for an adjournment, you must notify this office in writing with the reason and accompany this with supporting evidence e.g. medical certificate in case of illness. However, I must advise you that if the committee is not satisfied with the reasons you have given for seeking an adjournment, it may decide to hear your case in your absence.

In the meantime, I must remind you that your licence will remain suspended and neither you or any assistants will be able to trade. No further charges will be applied for the period from April – June. Charges will resume only if the Committee agrees to reinstate your licence.

Please advise the street trading team if you will be attending the meeting to present your case.

Yours sincerely



**Houriyeh Dervish**  
**Street Trading Manager**