

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

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	08 December		Bunhill
<b>Delete as appropriate</b>		Non-exempt	

**SUBJECT:**  
**London Local Authorities Act 1994 (As Amended) Section 27 (1)**  
**Application to vary a Condition attached to a Street Trading Licence**  
**Ms Emis Arslan Licence number 551**

**1. Synopsis**

- 1.1 This report relates to an application from a licensed trader in Whitecross street market to vary the condition on her licence regarding setting up times (see appendix 1)

**2. Recommendations**

- 2.1 To grant the variation or refuse it.

**3. Background**

- 3.1 The authority runs all street trading activities in the borough and is responsible for issuing licenses and ensuring that rules and regulations are adhered to. Such rules and regulations are set out in the Street Trading Conditions.
- 3.2 The standard condition attached to all licences issued in Whitecross Street market state "Stalls shall not be put out prior to 8.00 a.m. on any day". However there are some exceptions, see below.
- 3.3 Ms Emis Arslan has held a licence to trade in Whitecross street Market since January 2013.
- 3.4 Since she was granted a licence, Ms Arslan has been setting up before 8am because she needs time to prepare. This has not appeared to present any disturbance. She now wishes to apply for a 7am setting up time in line, with other traders.
- 3.5 Although the Council has not received any complaints arising from the trading practices of Ms Arslan she has herself reported that one of the residents had complained directly to her and when she mentioned this to one of the Street Trading inspectors she was told that she should not be setting up prior to 8.00am.
- 3.6 Ms Arslan is now complying with the setting up time condition but claims that her business is suffering due to the reduced time she has to prepare.
- 3.7 In consideration of this application the committee is asked to note that: In July 2010 eight traders in Whitecross Street were brought to Committee for breaching the condition relating to setting up times. All were setting up their stalls before 8am. On hearing evidence from the traders, complainants and the noise team the Committee decided a 7am setting up time was reasonable. In the case of each of these traders the setting up time was varied to allow each of them to set up at 7am The Committee minutes state:  
 '.....because of the nature of the business and the preparation involved and having been told that the

setting up of the stall is done by a single individual, the variation to setting up times to 7.00am was appropriate in order for the licence holder not to breach the general conditions of the licence in respect of setting up times in Whitecross Market. The Committee is keen to see Whitecross Street market continue to flourish but must 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 and would encourage market traders to keep noise levels to a minimum.'

3.8 In September 2014 a further two variations to licences for traders in Whitecross Street allowing them to set up from 7:00 am were approved under similar circumstances.

#### 4. Implications

##### 4.1 Financial implications:

There are no financial implications should this application be granted.

##### 4.2 Legal Implications:

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

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

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

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

#### 5. Conclusion and reasons for recommendations

5.1 No objections have been received by the council and so there is no reason why this application should not be granted. If the application is granted, the condition will automatically apply to any licence issued to her.

#### Appendices

Appendix 1 Email application

#### Background papers:

London Local Authorities Act 1990 as amended

Street Trading Conditions 2007

Final report clearance:

#### Signed by:



Service Director – Public Protection

Date

24/11/14

#### Received by:

Head of Democratic Services

Date

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