



# ISLINGTON

Environment & Regeneration  
222 Upper Street, London N1 1XR

Report of : JAN HART - ASSISTANT DIRECTOR - PUBLIC PROTECTION

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	27th June 2006	B1	Highbury & Gillespie

Delete as appropriate		Non-exempt
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**Subject:** APPLICATION TO DESIGNATE PART OF THE STREET FOR STREET TRADING PURPOSES

**Premises:** VARIOUS LOCATIONS AROUND THE NEW EMIRATES STADIUM

**Applicant:** STREET TRADING SECTION – PUBLIC PROTECTION DIVISION

**Statute:** SECTION 24 - LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)

## 1 Synopsis

1.1 The Committee is asked to consider this application to designate for street trading purposes, part of the street at various locations around the new Emirates Stadium.

## 2 Recommendation

2.1 To consider the application, as set out in the Public Notice published in the Islington Gazette on 11 May 2006 in **Appendix A**, and agree which pitches around the new Emirates Stadium to designate for street trading purposes.

## 3 Background

3.1 The Street Trading Section currently has 17 licensed street traders, operating on match days at various locations around the Arsenal Stadium - 10 traders selling take away foods, and 7 selling football favours and souvenirs.

3.2 These pitches were designated prior to the start of the football season of 1992/93 and have all been occupied since that time. Fees are paid to the Council for the rent of these pitches.

3.3 Some of these pitches will no longer be viable once the move to Emirates Stadium takes place, as they will not be on any recognised route. Several existing traders have made requests to move to new pitches. Those submitted in writing are included with this report - **See Appendix B – E**.

- 3.4 Street Trading Section has investigated the possibility of having new sites designated around the Emirates Stadium.
- 3.5 Several meetings have taken place with the Police, Arsenal Officials and other Council Officers from the Street Management Division and Parking, and a number of suitable locations have been identified. All existing traders will be offered the opportunity to move to new locations, and any remaining pitches will then be let to traders from the waiting list.
- 3.6 The factors used to determine whether the Street Trading Section should commence the process of Designation are as follows:
- a) Width of Pavement/Carriageway
  - b) Fire Access
  - c) Obstructions of pedestrian crossings etc
  - d) Land ownership
  - e) Public utility access and other Street furnishing.
- 3.7 19 locations were identified and were circulated to essential officers within the Council, other agencies and partners, to ascertain if any would impact on projects they were responsible for, or were planning to commence.
- 3.8 Following this exercise, 5 locations were deemed unsuitable for the purpose of street trading, due to health & safety, land ownership or obstruction issues. These locations were removed from the process.
- 3.9 After the informal consultation, 14 locations were left
- 5 pitches are situated on the pavement
  - 9 pitches are situated in the carriageway
- 3.10 A public notice stating these locations was published in the Islington Gazette on 11 May 2006, stating the Council's intention to designate these individual locations - see **Appendix A**.
- 3.11 Street Trading have delivered a copy of the Public Notice, along with a covering letter to all premises in the locality of identified sites, which advised how objections could be made - **See Appendix F – G**.
- 3.12 Documents were also issued to Ward Councillors, the Fire Authority, Parking Services, Highways Division, Transport for London and the Police to complete the formal consultation.
- 4. Objections**
- 4.1 The Street Trading Section has received 8 letters of objection, within the prescribed consultation period - **See Appendix H - O**.
- 4.2 At the time of writing this report, Street Trading have received 7 further letters of objection outside of the prescribed consultation period. These letters do not raise any new areas of objection.
- 4.3 The reasons for the objections are as follows: -
- a) Pitches utilising parking spaces
  - b) Obstruction
  - c) Noise Pollution
  - d) The change of character of the roads
  - e) Crowd nuisance
  - f) Increase of waste/litter in the street

g) **Damage to the local economy**

4.4 **Parking** – several of the new pitches would have removed resident parking bays on match days. Street Trading have therefore revisited each location with colleagues in the Highway and Parking Sections and we have managed to reduce this impact so that there will now be only 4 pitches on bays. The locations that have been adjusted are:

- a) The pitch outside No.82 & 84 Drayton Park, which will be moved to the single yellow line, adjacent to the CPZ box, outside No.82 & 84 Drayton Park.
- b) The pitch outside 178 Drayton Park, which will move to the double yellow lines, adjacent to the CPZ box, outside No.178 Drayton Park.
- c) Reinstatement of 2 parking bays outside the Drayton Arms Public House.

4.5 **Obstruction** – we have taken advice on this issue from the Police and Highways and the locations have been recommended only where this will not be an issue.

4.6 **Noise** – No significant noise should arise from traders. If it does, then this can be dealt with through their street trading licence or other legislation.

4.7 **Character of roads** – These pitches will operate on match days only and the designation will state this.

4.8 **Crowd nuisance** – Police are present before, during and after the game. The police will deal with any crowd nuisance once reported or witnessed and will include these factors in their policing plan.

4.9 **Litter & Waste** – Islington Cleansing Services Limited (Accord), are responsible for clearing waste and litter from the highway. Cleansing operations commence at the end of each game and traders are charged for cleansing as part of their fee.

4.10 **Damage to local economy** – Designation of these pitches will increase the local economy. The Street Trading Section is planning to allocate these pitches to the current licensed street traders who will no longer be on the prescribed pedestrian routes thus retaining existing businesses.

## 5. **Conditions of approval**

5.1 In all cases, a person initially applying for a Licence whether for an existing pitch or a new designated pitch, is issued with a Temporary Licence, which normally lasts for a period of no more than six months. After this period has expired, a decision must be made to either issue a full licence or to remove their licence. This therefore gives a period of time during which we can assess the impact of that trader.

5.2 The decision to issue a full licence will be determined by officers under delegation. Factors that will be taken into account before issuing a full Licence are :-

- Compliance with the Street Trading Conditions
- The number of complaints received about an individual.

## 5.3 **Officer Observations**

5.3.1 Should the Committee decide to grant these Applications, then all traders will be required to comply with the conditions contained within The Standard Street Trading Licence Conditions and any other additional conditions the Committee deem appropriate – see **Appendix P**.

5.3.2 The standard administration fee for commencing the designation process is currently £600, which is normally paid at the start of the process. If this proposal is granted, then any trader wishing to transfer will have to pay the £600 Administration fee.

5.3.3 The rent for the individual sites will be £1134.00 per season.

## **6. Implications**

### **6.1 Financial Implications**

The Street Trading Account is a ring-fenced account and all expenditure (including staff costs) and income (including fees) must be contained within the account.

The fees for licences granted would help offset the additional costs incurred by the Council in connection with the street cleansing, administration and enforcement of Part III of the provisions of the London Local Authorities Act 1990 (as amended).

### **6.2 Legal Implications**

Section 24, London Local Authorities Act 1990 (as amended) sets out the procedure to be applied for a Local Authority to designate a Street or part of a Street, for street trading purposes.

If the Borough Council passes a designating resolution, the designation of the Street shall take effect on the day specified in the resolution. This must not be before the expiration of the period of one month beginning with the day on which the resolution is passed. (Section 24, (3)).

The Borough Council shall publish a Public Notice of the passing of such a resolution in the local Newspaper circulating in their area on two consecutive weeks. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation. (Section 24 (10)).

In determining each case, the Council should act reasonably taking into account all relevant factors and ignoring all irrelevant factors.

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 a right to a fair hearing within a reasonable time by an independent and impartial tribunal.

### **6.3 Equality Implications**

Applicants are advised that the provisions of the Disability Discrimination Act 1995 apply to them as providers of a service, i.e. facilities for entertainment recreation or refreshment (as defined by Section 19 of the said Act). In particular that Section 21 of the Act places them under a duty to make arrangements to ensure the Service is accessible to disable persons.

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

The London Local Authorities Act 1990 (as amended) allows for designation of a street or a part of the street for street trading purposes. Applications of this nature are considered on their merits. If granted, income generated from the rental of the site is credited to the street trading account.

<b>Background papers:</b>	Section 24 – Public Notice	<b>See Appendix A</b>
	Letters from Licence Traders	<b>See Appendix B – E</b>
	Cover Letter	<b>See Appendix F</b>
	Mailing List	<b>See Appendix G</b>
	8 x Letters of objection within time	<b>See Appendix H -O</b>
	Street Trading Licence Conditions	<b>See Appendix P</b>

Final Report Clearance

Signed by

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Assistant Director, Environment and  
Regeneration (Public Protection)

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Date

Received by

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Head of Democratic Services

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Date

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