



ISLINGTON

Environment & Regeneration
159 Upper Street, London N1 1XR

Report of : JAN HART – ASSISTANT DIRECTOR OF PUBLIC PROTECTION

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	28th November 2006	B1	Highbury

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 EMIRATES STADIUM

Applicant: STREET TRADING TEAM, PUBLIC PROTECTION

Statute: SECTION 24, LONDON LOCAL AUTHORITIES ACT 1990, (as amended)

1 Synopsis

1.1 The Committee is asked to consider this application to designate street trading pitches in the vicinity of the Emirates Stadium.

2 Recommendations

2.1 To agree the permanent designation of 114 to 180 Drayton Park (footpath and carriageway outside 114) for a maximum of 5 street trading pitches.

2.2 To agree the temporary designation of the carriageway outside 100 Drayton Park for one pitch until the January meeting of the Licensing Regulatory Committee.

3 Background

3.1 At the Licensing Regulatory Committee held on 13th July 2006 the Committee considered an application to designate parts of the street for street trading purposes at various locations around the Emirates Stadium.

3.2 In considering the application, the Committee noted a number of objections that were raised by residents, and agreed to designate these locations for the purpose of street trading, on a temporary basis.

3.3 It was agreed that a further report should be submitted to Licensing Regulatory Committee after a period of operation for a decision on whether the designations were appropriate for the purpose of street trading.

4 Officers Observations and proposals

- 4.1 The Street Trading Section has been monitoring the trading activities of these traders at every home game for this season. As a result of this monitoring exercise, we can recommend that the pitches at 114 to 180 Drayton Park be made permanent as they are operating without complaint.
- 4.2 The temporary designation outside 82 / 84 Drayton Park did not prove successful and therefore we are not recommending that this be made permanent. We have been able to relocate this trader to another pitch in the vicinity.
- 4.3 The temporary designation outside 178 Drayton Park has not proved to be viable. It was evident after the first games that this pitch impeded access to Arsenal Station and therefore at the request of the Police, the trader was moved. A number of alternative sites have been tried and as yet none of them have proved to be a success, with complaints received from residents. At present, the trader is operating outside 100 Drayton Park and a number of objections to his continued trading are attached at **Appendix A**.
- 4.4 The trader operating on this pitch has been licensed for the past ten years, and was relocated, as his previous pitch was no longer in the catchment of the stadium. The relocation was done on a points system, with priority given to those who trade without problems and who make prompt payment receiving first priority. This trader was second for allocation.
- 4.5 Officers have been in consultation with the Police and Street Management to find a new location away from 100 Drayton Park. An action had already been placed on officers by the Licensing Regulatory Committee to look for further sites in the area, in consultation with traders. A series of sites were identified but none have proved to be acceptable to both the Police and Street Management. Areas in Drayton Park have to be retained 'sterile' for crowd control purposes and through it looks as if there are alternatives near by, the Police have discounted these.
- 4.6 If no alternative can be found, then the trader will no longer be able to operate. This means he will have lost his pitch even though he was a priority to relocate.
- 4.7 Officers would like to have some more time to see if the nuisance objections of residents can be overcome or to continue to look for a new pitch. The trader wishes to work with residents and has already purchased a quieter generator to see if this can assist. It is recommended therefore that this pitch be allowed to continue until the January meeting of the Licensing Regulatory Committee when a final decision is taken. Officers will continue to liaise with residents of 100 Drayton Park, the trader, Police and Street Management to seek this solution.

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 the licence. This therefore gives a period of time during which we can assess the impact of that trader.
- 5.2 Anyone issued with a Street Trading Licence must comply with the Street Trading Licence Conditions, **See Appendix B**

5.3 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 Licence Conditions
- The number of complaints received about an individual.

6 Implications

6.1 Financial Implications

6.1.1. 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.

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

6.2 Legal Implications

6.2.1 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.

6.2.2 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

6.3.1 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 disabled persons.

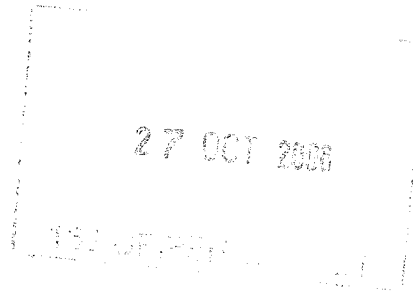
7 Conclusion and reasons for recommendations

7.1 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.

APPENDIX A.

**COPPING
JOYCE**
ESTATE AGENTS

P Richards Esq
(Street Trading)
London Borough of Islington
159 Upper Street
London
N1 1RE



327-329 Upper Street
London N1 2XQ
020 7359 9777
020 7226 4221
020 7288 0330
020 7359 0922
020 7704 0486

info@coppingjoyce.co.uk
coppingjoyce.co.uk

Your Ref:

Our Ref: CAS/MAN/JB

26 October 2006

e-mail: csilver@coppingjoyce.co.uk

Dear Mr Richards

Re: Drayton park Management Company Ltd
100 Drayton Park Highbury London N5

I am writing to you as Managing Agent for Drayton Park Management Company Ltd, which is responsible for the maintenance and service of this block of 84 flats situated on the corner of Drayton Park and Aubert Park.

It has come to our attention that on Drayton Park, at the corner of Aubert Park, immediately outside the main entrance to this block of flats, a burger van has taken to setting up on Arsenal FC match days.

The nuisance that this causes to residents both in terms of noise, refuse and the obvious unpleasant aromas are causing a number of residents significant concern and distress.

I would be grateful if you could take steps to ensure that the van is permanently removed from this location on match days so as to protect the resident's enjoyment of their premises.

Thank you in advance for your assistance in this matter.

Yours sincerely

Craig Silver
COPPING JOYCE



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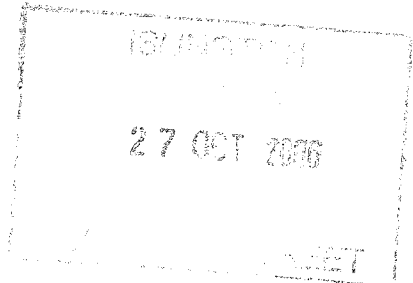
Other Offices: Camden Town 22/101 Parkway, London, NW1 7PP T: 020 7267 2053 F: 020 7911 0777 • Kentish Town 274 Yorkish Lane Road, London NW5 2AA

T: 020 7267 1010 F: 020 7267 6177 • West End 176 Shaftesbury Avenue, London WC2H 8JF T: 020 7836 9888 F: 020 7240 9771

Belsize Park 155 Haverstock Hill, London, NW3 4QT T: 020 722 6777 F: 020 7449 6707

[REDACTED]

London Borough of Islington
159 Upper Street
London
N1 1RE



For the attention of: P Richards (Street Trading)

24 October 2006

Dear Mr Richards,

I am writing to you in respect of a burger van which is situated directly outside my home, 100 Drayton Park, Highbury, London N5 1NF on every Arsenal home match day. The van in question is placed on the pavement less than 10 feet from my building.

The effect of this is that I and my neighbours are subjected to the constant noise of the operator's generator, fans sitting on our wall whilst eating their burgers and then dropping their litter and the stench of fried food.

I do not believe that the van is licensed to be pitched outside my building and I find it very offensive to have to endure the smell of the burgers and fried onions every match day, particularly when I am sitting on the communal roof terrace right above where the van is pitched.

Given that Arsenal has plenty of food outlets both in and around the ground, there is no need for any further operators, licensed or otherwise, on Drayton Park.

I have emailed the council on several occasions about this but to date I have had no response. I am informed that you are the person that I should liaise with.

I would be grateful if you could please investigate this situation and have the van removed and ensure that it stays away from 100 Drayton Park. You will appreciate that I and the other residents pay a considerable amount of council tax and would like to think that the council do take enforcement action against those who cause a nuisance to residents.

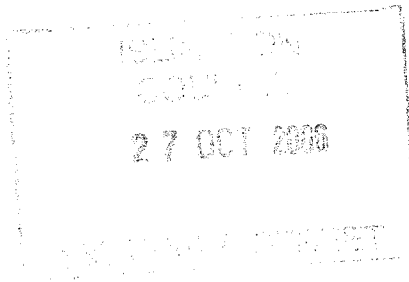
I look forward to hearing from you as soon as possible.


Victoria Bowers

[REDACTED]

24th October 2006.

P. Richards Esq.,
(Street Trading),
159 Upper Street,
N1 1RE.



Re: Hamburger Van outside 100 Drayton Park, London N5 1NF.

Dear Mr. Richards,

Further to our telephone conversation, I am writing to object to a Burger Van, being sited outside the above address before during and after Arsenal Football Club home matches.

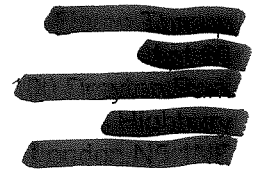
Its current location is the cause of a number of problems. The most significant is the smell, which permeates the whole of the building. The occupiers of those flats which face Drayton Park (including myself) cannot avoid this smell, as we have no windows other than those, which open directly onto the street. There is also a continuous, loud droning noise from the fan at the rear of the van as well as a somewhat intimidating crowd of people hanging about and waiting to be served.

I look forward to hearing that a more suitable location for this vehicle will shortly be found.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Alex Blane'.

Alex Blane.



P Richards
Street Trading
London Borough of Islington
159 Upper Street
London
N1 1RE

Dear Mr/Ms Richards,

Regarding the Parking of a burger van outside the main entrance of the above building

I would like to voice my opinion as to the suitability of the burger van which is sometimes parked outside of the main entrance and my windows, on match days in Drayton Park.

To be honest it is causing a little bit of a nuisance. I don't appreciate the noise and smell from the van, which comes through my open windows, and I do not either appreciate the gangs or rowdy customers, who after queuing then drop bits of food or litter around the entrance and the front of the building.

I have spoken to the management agents about this and they have suggested writing to yourself, so I hope you can consider this as a polite request that the van not be permitted to park there on match days.


To be honest there are other places that would be more suitable, for example outside the new main entrance to the stadium where the stone ARSENAL sculpture is located, or outside the tube station perhaps. I understand the man needs to earn a living, but it is causing inconvenience to me, and I would like to stop this from continuing quickly if possible.

Furthermore I don't ever recall having being asked, as a local resident, if his positioning is okay. Is this normal or would you ask local residents before issuing a street vendors permit, assuming he has one.

Thank you for your time.

Yours sincerely,

Simon Throup.



4th November 2006

P Richards Esq
Street Trading
159 Upper St
NI IRE

Dear Mr Richards

Arsenal Burger Van outside 100 Drayton Park

I live at flat 9, 100 Drayton Park, have spent a lot of the last 3 months travelling, and have only recently come to experience a match at the new stadium.

I was shocked to discover there is now a burger van parked right outside my bedroom window (literally just over 4 metres from where I sleep).

I feel that it is wholly inappropriate that the van be parked right outside residential property – especially when the property has no front garden and is therefore set right up against the road.

The stench from the van is quite overpowering. I cannot open my windows – and if I leave my flat before a match and forget to close the ventilators, I find that my bedroom smells of fried food.

Furthermore – the van is powered by an extremely noisy generator. The noise prevents me from reading, working and sleeping in my own home. Last Wednesday (1st November) the van set up at approximately 5.30pm and was still running at 11.20pm when exasperated and unable to sleep with the noise, I finally had to resort to ear plugs. (Note that the match would have finished some time between 9.15pm and 9.45pm.

I suggest that as an alternative, the burger van could be parked on the opposite side of Drayton Park. There is a wide section of pavement opposite the traffic island, on which there is plenty of space for the van. This would be much further from any residential property and would cause considerably less disturbance in terms of both noise and smell.

Furthermore, I suggest that all the vans should be obliged to switch off generators by a reasonable time in the evening.

I have spoken to a number of my neighbours at 100 Drayton Park, who are also extremely disturbed by the noise and smell. They have demonstrated their support by signing this letter. (Note that flat 10 has already made a separate complaint to the council)

Yours sincerely,

Lucy Watson, [redacted] lucy.watson@gmail.com

[redacted] INDI CHOPARIA, Flat [redacted]

[redacted] VINAY KATELITA, Flat [redacted]

[redacted] TIM NELSON Flat [redacted]

[redacted] ROB ARNOLD FLAT 10

SIMON FORRESTER FLAT [redacted]

J. Ellis

Julie Ellis Flat [redacted]

[redacted]

RON NAYAN Flat [redacted]

Chen Chen, Flat [redacted]

[redacted]

[redacted] Flat [redacted]

ROBT SCHEP: As I have passed this letter around to my neighbours, we have raised an extremely relevant point: The van has 2 gas canisters and is sitting on a slope, propped up by a couple of wooden axes. With the slope decreasing towards the flats, the gas canisters seem to be sliding.