



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	B2	

Delete as appropriate		Non-exempt
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Subject: VARIATION OF LOCATION - PITCH NO.457
Premises: CORNER OF MARTINEAU ROAD AND DRAYTON PARK
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 vary the location of the existing pitch due to the changes to the highway.

2 Recommendations

2.1 That pitch no 457 is relocated to the carriageway near the junction of Drayton Park and Arvon Road, by the wasteland belonging to the Railway. **As shown in Appendix A**

3 Background

3.1 As the Highway Authority, Islington Council has a statutory duty to take measures to prevent and reduce the frequency of road traffic related accidents and provide safe walking routes to local schools.

3.2 As part of the council's policy to reduce accidents and provide safe walking routes to local school, the council is proposing to implement a zebra crossing at the junction of Martineau Road and Drayton Park. The aim of the scheme is to provide safe walking routes to Drayton Park Primary School.

3.3 Students of Drayton Park Primary School and their parents identified the initiative. It is referred to as a big junction, which is difficult to cross.

3.4 The School Travel Plan process aims to identify initiatives that will increase travel by sustainable methods to and from school, particularly walking. Through

child, parent and staff travel surveys it was established that a zebra crossing at the junction of Martineau Road and Drayton Park would benefit the school.

3.5 Drayton Park Primary School is situated in the centre of the borough in the Highbury East ward on Arvon Road. Arvon Road is a no through road that links back to Drayton Park.

3.6 The area around Drayton Park Primary School has a high level of pedestrian activity during school start and finish times and there have been a number of personal injury accidents in the area

3.7 The location that has been identified to have the zebra crossing is currently being used as a street trading bay on Arsenal's match days. The Trader sells Take-away food.

3.8 Officers are therefore recommending that the location of the pitch be varied so that trading can continue. The new location has been agreed with Street Management and the Police.

4 **Implications**

4.1 **Financial Implications**

4.1.1 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.

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).

4.2 **Legal Implications**

4.2.1 Under Section 28 (1) states that

Subject to the provisions of this Part of this Act a borough council may at any time revoke a street trading licence if they are satisfied that –

(a) owing to circumstances which have arisen since the grant or renewal of the licence, there is not enough space in the street in which the licence holder trades for him to engage in the trading permitted by the licence without causing undue interference or inconvenience to person or vehicular traffic using the street ;

4.2.2 Under Section 28 (2) (b) If a borough council consider that a licence could be revoke on this ground, they may instead of revoking it, vary its condition by specifying a different licensed street or position, or place in any such street at which the licence holder may sell or expose or offer for sale article or things or offer or provide services

4.2.3 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.

4.3 **Equality Implications**

4.3.1 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 disable persons.

Background papers: **Map showing location** **Appendix A**
(Insert details here)

Final Report Clearance

Signed by ----- -----
Assistant Director of Public Protection Date

Received by ----- -----
Head of Democratic Services Date

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