

Report of: Assistant Director – Public Protection and Development Management

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	5 December 2007		All

Delete as appropriate		Non-exempt
-----------------------	--	------------

Subject: VARIATION OF THE STANDARD STREET TRADING LICENCE CONDITIONS UNDER SECTION 27 – LONDON LOCAL AUTHORITIES ACT 1990 (as amended)

1 Synopsis

- 1.1 This report sets out the new and revised conditions to be attached to street trading licences on renewal of existing licences and on grant of new licences.
- 1.2 The revisions are in line with the Council's 'One Islington' vision and guide licensees to create a dynamic street trading and market experience that is diverse, vibrant and adds value to the economic, social and cultural fabric of Islington. It ensures small business regeneration is supported and environmental initiatives are implemented.

2 Recommendations

- 2.1 To agree the revisions and additions to the existing street trading licence conditions and procedures as set out in **Appendix A**.
- 2.2 To pass a resolution in the terms of the draft resolution contained in the Public Notice dated 27 September 2007 'that the proposed variations of the existing street trading licence conditions be approved to take effect from 1 January 2008'.

3 Background

- 3.1 The conditions attached to street trading licences were last revised in August 2004 and require modifying to reflect changes in Council procedures and implement aspects of best practice. The conditions also include the Street Trading Procedures which provide operational policy on:
 - applying and renewing a licence;
 - routine procedures;
 - issues of ownership and administration of the street trading licence;
 - payment processes;
 - requirements of other legislation;

- complaint mechanisms;
- how council will manage allegations of assaults on their staff; and
- what to expect from the Street Trading Enforcement Officers.

3.2 The majority of the conditions have been rewritten to simplify or to clarify their meaning however, a number of new conditions have also been included. These are :-

- Clause 15 detailing the need to license a site if alcohol is to be consumed or sold. This has been included as the increase in special event or festival style markets has introduced a number of traders who wish to sell alcoholic beverages.
- Clause 16 is included as many traders are now displaying their business name as a banner on their stall. All traders must ensure that the naming complies with the Business Names Act of 1985.
- Clause 26 recognises that extensive regeneration work has been undertaken to varying degrees within all the markets of the borough. This clause will ensure the appearance of the market can continue to improve with traders being required to adopt a general 'look'.
- Clause 35 has been included to ensure the regeneration of street trading activity is in line with the Council's environmental sustainability initiatives.
- Clause 36 recognises the need to support a trader's ability to achieve economic regeneration. The completion of a Street Trading Best Practice Certificate will ensure the traders' receive training on health and safety, food safety, customer rights, customer service, business planning, promotion and best practice. Implementing this training programme provides business support and helps traders improve their business skills and self-confidence.
- Clause 40 clarifies and reinforces the revised EU measurement laws which state that imperial measures can be included only if they are supporting metric measures.
- Clause 43 recognises the potential increase in violence caused by racial or political hatred and the need to address this if it occurs in any of our trading areas.
- Clause 52 states that payment by cash is no longer accepted to reflect changes in the council's payment processes.
- Clause 54 reinforces the councils' position that abuse of any type to the general public or to council officers will not be tolerated.
- Clause 58 introduces fixed penalty notices for enforcement to bring street trading in line with other areas of the council such as waste management, and other London boroughs.

3.3 The conditions are critical in ensuring street traders' are aware of their legal obligations. Continued trader education and stronger, consistent enforcement through the use of the conditions will ensure a cleaner and safer shopping environment for residents. It is intended that the new conditions will be introduced for all new and renewed licences from 1 January 2008

3.5 A Public Notice to advertise the proposed changes was published in a Local Newspaper. A separate letter and copy of the proposed conditions was sent to traders whose licenses are due for renewal at the next period (Appendix **B**). No objections were received from the consultation process. Some suggestions and comments were received and have been included where appropriate. These are :-

- Clause 26 has been reworded to reinforce the importance of traders improving the look of the market.
- The completion of the Street Trading Best Practice Certificate will not be mandatory for traders who are renewing their licences and have been trading to the satisfaction of the council.
- Clause 99 has been amended and clause 100 has been added as a result of comments received by the Chapel Market Traders' Association who had concerns regarding the disruption caused by traders coming in late to the market.
- A change has been made to Appendix 3: Street Trading – List of Commodities so as to add Periodicals to Newspapers, books and stationery (trader observation).

4 Implications

4.1 Financial Implications

- 4.1.1 This is a Trading Account and if any costs resulting from the amendment to the street trading conditions will have to be met from this account. If the income target is not reached a review identifying savings within Expenditure will have to be carried out.

4.2 Legal Implications

- 4.2.1 Under Section 27 (Part III) of the London Local Authorities Act 1990 (as amended) the Council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.
- 4.2.2 A street trading licence is valid, unless it is revoked or surrendered, for a period of three years from the date on which it is granted, or for such shorter period as the borough council may determine; it will specify the conditions and on any occasion of the renewal of a licence, or at 1st January in any year during the currency of the licence or at any time on application by the licence holder, the borough council may vary the conditions.
- 4.2.3 Before making regulations prescribing standard conditions, the borough council shall publish notice of their intention to do so in a local paper circulating in their area and the notice shall contain a draft of the resolution to which it relates and state that representations relating to it may be made in writing to the borough council within such period not being less than 28 days after publication as may be specified in the notice and consult the licence holders or a body or bodies representative of them.

4.3 Equality Impact Assessment

- 4.3.1 An equalities impact assessment has been undertaken on this proposal. The proposed changes do not target any minority group but aims to be inclusive of all residents and businesses in the borough. Continued evaluation and monitoring of the outcomes inclusiveness will ensure that the proposed change embodies the Council's equality policies.

5 Conclusion and reasons for recommendations

- 5.1 The current street trading conditions were found to be inconsistent with current operational policy and long term objectives for the street trading environment. The revised conditions provide greater clarity of what is expected from traders and an improved regime for enforcement.

Background papers:

(Insert details here)

Final Report Clearance

Signed by

Assistance Director, Public Protection and
Development Management

Date

Received by

Head of Democratic Services

Date

Report author: Houriyeh Dervish

Tel: 020 7527 3046

E-mail: houriyeh.dervish@islington.gov.uk