

Report of: Service Director (Public Protection)

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	29 April 2009	B1	St Mary's

Delete as appropriate		Non Exempt
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SUBJECT: LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) SECTION 28 (1) BREACH OF STREET TRADING CONDITIONS

1. Synopsis

- 1.1 This report relates to the continuance of the street trading licence for Ms Leila Suliman a licensed trader on pitch 10 in Chapel Market.

2. Recommendation

- 2.1 To agree the revocation of the street trading licence of Ms Suliman for pitch 10, Chapel Market and grant a casual licence.

3. Background

- 3.1 Ms Suliman has according to available records, traded in Chapel Market for over 16 years, selling Jewellery.

She occupies a prime pitch (number 10) which is located towards the entrance of the market.

- 3.2 Since the period 1st January 2007 until 12th April 2009 Ms Suliman has traded on 64 occasions out of a possible 714. See appendix 1a, 1b, 1c, and 1d.

Since the period 1st January 2007 until 8th February 2009 Ms Suliman has made payments totalling £2500.00 out of fees due which totalled £6673.00. This has resulted in a loss of £4173.00 to the Street Trading Account.

- 3.3 Since 2007, Ms Suliman has been sending in long term sick certificates and applying for her fees to be waived each time she has been unable to trade. As the council was sympathetic to Ms Suliman's

situation the fees were waived see printout of fees appendix 5. On every occasion Ms Suliman has been made aware that this could not be agreed to indefinitely. See letter dated 8th July 2008 (appendix 2).

- 3.4 On occasions when Ms Suliman was able to trade she had dispensation to turn up late. This dispensation was granted subject to her informing the team before 9 am, on days she was not going to trade so that the team did not keep the pitch vacant unnecessarily. She would often not telephone, which meant the pitch would remain empty. Other traders would complain and the pitch would look unsightly and unattractive. See letter dated 15th October 2008 (appendix 3).
- 3.5 Ms Suliman was invited and attended a panel meeting on 30th June 2008 in order to discuss the situation of the arrears on her account and to seek possible solutions.
- Apply for a pitch at the cheaper end of the market
 - Apply for a casual licence so that she paid only for the days she traded. The team would ensure that she would be given first option with which ever pitch was available on the day.
- 3.6 Due to continuing arrears on the account and other allegations, Ms Suliman was again invited to attend the Street Trading Officers Panel. See letter dated 15th October 2008 (appendix 3). Ms Suliman could not make this meeting but did attend another on the 17th November. At this meeting Ms Suliman agreed that the situation as it was could not continue and agreed to surrender pitch 10 and become a casual trader.
- 3.7 A couple of weeks later Ms Suliman contacted the street trading manager to say that she felt she had been forced into giving up her pitch and that she wanted to keep pitch 10. Ms Suliman was written to on 6th March 2009 (appendix 4) informing her that this case would be brought before committee on 29th April 2009. She has made no further contact, payments or provided any sick certificates to the street trading section since November 2008.
- 3.8 The suggested recommendation will allow the release of her current pitch but allow her to apply for a casual licence if she so wishes.

4. Implications

4.1 Financial implications

4.2 The current rental for this pitch is £56.00 per week. If the licence was revoked there would be no further loss to the account. The pitch however, is situated in the prime part of the market and it is highly sought after.

4.3 Legal implications

- 4.4 Section 28 (1) of the London Local Authorities Act 1990 (as amended) provides that a borough council may at any time revoke a licence if they are satisfied that:
- (c) the licence holder is an individual who has without reasonable excuse personally failed fully to avail him/herself of his licence
 - (e) that since the grant or renewal of the licence, the licence holder has for a period of four weeks or more failed to pay fees or charges due to the borough council in connection with the street trading licence he licence holder has persistently failed to comply with any condition of her licence.
 - (h) that the licence holder has persistently failed to comply with any condition of his/her licence

4.5 If a licence is revoked, the trader has a right of appeal to the magistrate's court. Any appeal must be made in writing within 21 days of receiving written notice of the revocation

4.6 Equality impact assessment

4.7 An equalities impact assessment (EIA) on this proposal has been carried out. The EIA identified that there would be no differential impacts on different groups in Islington and no negative consequences for community cohesion. This conclusion was drawn because this report is dealing with a particular individual who has breached the street taking conditions and no policy has been changed

5. Conclusion and reasons for recommendation

5.1 Recommending to revoke a licence is never taken lightly. The Street Trading Team always seek ways to resolving issues and works with traders to find solutions prior to referring the case to Licensing Regulatory Committee. Officers have attempted to resolve the issues outlined in the report over a lengthy period of time with Ms Suliman but these efforts have, unfortunately, proved to be unsuccessful.

Appendices

Appendices 1a, 1b, 1c & 1d

Appendix 5

NB - Appendices 2, 3 and 4 are exempt and not for publication

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Background papers:

Letters and reports kept on file from 1997 to date

Old Street Trading Conditions

Current Street Trading Conditions which came in force January 2008

Equalities Impact Assessment

London Local Authorities Act 1990 (as amended)

Final report clearance:

Signed by:

Assistant Director – Public Protection

Date

Received by:

Head of Democratic Services

Date

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