

DRAFT

London Borough of Islington

LICENSING REGULATORY COMMITTEE – 6 OCTOBER 2009

Minutes of the additional meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, London N1 2UD, on 6 October 2009, at 6.00 pm.

Present: **Councillors:** Tracy Ismail, Stefan Kasprzyk and Lisa Spall

Councillor Tracy Ismail in the Chair

073 APOLOGIES FOR ABSENCE (Item A1)

Received from Councillor Dunlop.

074 DECLARATION OF SUBSTITUTE MEMBERS (Item A2)

Councillor Kasprzyk for Councillor Dunlop.

075 DECLARATIONS OF INTEREST (Item A3)

None.

076 ORDER OF BUSINESS

The Chair had agreed that item B2 on the agenda, concerning pitch 541 in Whitecross Street Market, be considered first as Ms Sorakitguson had childcare responsibilities. The Committee noted that Mr Taylor, the subject of agenda item B1, had agreed to this arrangement.

077 LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) – SECTION 28 (1) – BREACH OF STREET TRADING CONDITIONS – MS ORAWAN SORAKITGOSON – LICENCE WX542, WHITECROSS STREET MARKET (Item B2)

Ms Sorakitguson, the licensed trader at pitch 541 in Whitecross Street Market, was present, accompanied by Ms Mohamed, her legal representative and Mr Chan, Ms Mohamed's clerk.

The Street Trading Manager reported the background to this case and the reasons for it having been brought to the Committee for consideration. Although the recommendation in the report being considered by the Committee sought a revocation of Ms Sorakitguson's licence, the Street Trading Manager stated that she had suggested to Ms Sorakitguson that she should consider the use of a canopy instead of a trailer for trading.

In response to a question from Ms Mohamed as to whether Members of the Sub-Committee had read the written responses prepared by her to various points raised in the report of the Service Director (Public Protection), the Chair confirmed that they had.

The Committee sought confirmation from Ms Sorakitguson that she fully understood what was being said at this meeting. Ms Mohamed, Ms Sorakitguson's legal representative, confirmed that she had been given sufficient instructions to represent her client at this meeting. The Committee stressed to Ms Sorakitguson that she should not leave her trailer on any public highway at any time.

RESOLVED:

1. That Ms Sorakitguson's licence not be revoked.
2. That a condition be added to Ms Sorakitguson's licence no WX 542 (formerly 541) as follows: the receptacle to be used for trading in Whitecross Street Market will be a canopy. The condition to take effect within seven days.

Reasons for decision

Under Section 27(8) of the London Local Authorities Act 1990, without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

Under paragraph 19 of the Council's Street Trading Conditions and Procedures, the Council has to approve the receptacle which is to be used under the licence issued to the trader.

The Committee considered written and oral evidence that Street Trading officers had attempted to resolve the issues with Ms Sorakitguson on a number of occasions. Despite warnings, Ms Sorakitguson continued to fail to comply with the street trading condition which relates to the removal of her trailer to a nominated storage area (- standard condition 22) at the cessation of the day's trading.

It is clear that there has been a breach of the terms of her licence relating to storage of her trailer on numerous occasions and she needs to be aware that this leaves her vulnerable to future prosecution and potential loss of her licence.

In order to avoid being brought back to Committee, Ms Sorakitguson must take all steps to ensure that she is complying fully with the conditions of her licence.

078 LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) – SECTION 28 (1) – BREACH OF STREET TRADING CONDITIONS – MR JOHN TAYLOR, PITCHES 46 AND 48 WHITECROSS STREET MARKET (Item B1)

Mr John Taylor, the licensed trader at pitches 46 and 48 in Whitecross Street Market was present. Mr Aled Griffiths, from the Council's Noise Team, was also present.

The Street Trading Manager reported the background to this case and the reasons for it having been brought to the Committee for consideration. The Street Trading Manager sought the Chair's agreement to distribute copies of documents entitled "Complaints Received About Noise and Action Taken" and "Mr Taylor Report – Complaint Details". The former document gave details of 23 complaints about noise levels from Mr Taylor's music stall, from 22 April 2003 to date and the action taken by the Council. The latter document was a summary of the 23 complaints. He confirmed that a copy had been supplied to Mr Taylor earlier.

The Street Trading Manager confirmed that three local residents had made complaints about noise from Mr Taylor's stall. However, they had expressed to him their concern about attending the Committee meeting because they felt intimidated by Mr Taylor. They had each provided a written statement instead. The Street Trading Manager sought the Chair's agreement to distribute copies of these complaints to Members, which were considered at the time. A copy had been supplied to Mr Taylor, who confirmed that he had read this document.

The officer from the Noise Team confirmed that the additional condition attached to Mr Taylor's licence in 2002 viz "Any amplified sound associated with the use of the pitch nos 46 and 48 shall be inaudible one metre from the nearest noise sensitive façade, Block T of the Peabody Whitecross Street Estate" had proved impractical to enforce. He passed around a list of possible alternative "Licence Condition options" for the Committee's consideration.

The Licensee, Mr Taylor, stated that he knew the persons who had made complaints to the Council about the music from his stall. He stated that there was only a thin wall between his stall and the flat of one of the complainants. Mr Taylor further stated that he felt victimised.

RESOLVED:

1. That the current condition stating "Any amplified sound associated with the use of the pitch nos 46 and 48 shall be inaudible one metre from the nearest noise sensitive façade, Block T of the Peabody Whitecross Street Estate" be removed from Mr John Taylor's licence.
2. That an additional condition be added to Mr Taylor's licence as follows: "No amplified music shall be played at the market stall outside the hours of 11.45 am and 2.15pm"

Reasons for decision

The Committee considered written and oral evidence, including a summary of complaints from 3 residents. The Committee noted that Street Trading officers and the Noise Team had attempted to resolve the issues with Mr Taylor on a number of occasions. It was clear to the Committee that the condition imposed in 2002 was unworkable.

Whitecross Street Market is a lively market which is growing and the Committee, whilst mindful of the needs of residents, had to balance the needs of residents and the interests of the market.

The meeting closed at 9.15pm.

CHAIR