



AGENDA FOR THE LICENSING REGULATORY COMMITTEE

A meeting of the Licensing Regulatory Committee will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **2 September 2014 at 4.00 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Mary Green
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Despatched : 22 August 2014

Membership

Councillor Mouna Hamitouche MBE (Chair)
Councillor Marian Spall
Councillor Kat Fletcher
Councillor Michelline Safi Ngongo

Substitute Members

Councillor Alice Perry
Councillor Paul Smith
Councillor Robert Khan
Councillor Claudia Webbe

Quorum: is 3 Councillors

Procedures to be followed at the meeting are attached.



A. FORMAL MATTERS

Page

1. Apologies for absence
2. Declaration of substitute members
3. Declarations of interest

If you have a Disclosable Pecuniary Interest* in an item of business:

- if it is not yet on the council's register, you must declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may choose to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you must leave the room without participating in discussion of the item.

If you have a personal interest in an item of business and you intend to speak on the item you must declare both the existence and details of it at the start of the meeting or when it becomes apparent but you may participate in the discussion and vote on the item.

*(a) Employment, etc - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to all members present at the meeting.

4. Election of a Vice-Chair of the Committee
5. Procedure for the meeting - this is attached 1 - 2
6. Minutes of the previous meeting 3 - 6
7. Membership, terms of reference and dates of meetings of the Licensing Regulatory Committee 2014/15 7 - 10

B.	LICENSING MATTERS	Page
1.	Application for a variation of a street trading licence - Whitecross Street, EC1	11 - 20
2.	Application for a variation of a street trading licence - Whitecross Street, EC1	21 - 24

C. Urgent non-exempt/non-confidential matters

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

D. Exclusion of public and press

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of Schedule 12A of the Local Government Act 1972 and, if so, whether to exclude the press and public during discussion thereof.

E. Exempt/confidential matters (if any)

F. Urgent exempt/confidential matters

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

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LICENSING REGULATORY COMMITTEE

PROCEDURE FOR THE HEARING OF OBJECTIONS TO STREET TRADING, TRACK BETTING, AND SPECIAL TREATMENT LICENCES

1. The Chair of the Licensing Regulatory Committee shall:
 - (a) invite all members of the Committee, the applicant, the objector, their representatives and any witnesses and officers to introduce themselves
 - (b) ascertain whether the applicant and objector(s) are present and, if unaccompanied, whether they were aware that they could be represented
 - (c) outline the procedure to be followed at the meeting
2. The Service Director (Public Protection) or his/her representative, will introduce the application.
3. (a) Council officer reports on noise and other matters
(b) Questions to officers from objectors and applicants
4. The applicant or his/her representative will present in detail the grounds of the application.
5. Objectors and members of the Committee may ask questions only of the applicant at this stage. Statements will not be allowed.
6. The objector(s) or his/her representative(s) will present in detail the grounds of the objection and may call witnesses in support of the objection.
7. The objector(s) and any witnesses may be called be questioned by members of the Committee, the applicant or his/her representative(s) and appropriate officers of the Council. Statements will not be allowed. Witnesses called by the objector(s) may be re-examined by the objector(s) or his/her representative on matters arising from those questions.
8. A Ward councillor may be present at the meeting and may make a statement to the Committee regarding the application, if the required notice has been given.
9. The objector(s) or his/her representative may then make a closing speech.
10. The applicant or his/her representative may then make a closing speech.
11. Members of the Committee may withdraw from the room to consider their decision. The Council's legal adviser and the clerk will accompany Members, in case legal or procedural advice is required.
12. The Licensing Officers, objectors(s), applicant, any representative(s) and witnesses will remain available for recall.
13. If it is necessary to recall any party to provide further information or clarification, all parties at the meeting will be invited to return.
14. At the conclusion of the public hearing, the Committee will consider the evidence presented and the Chair will announce the decision, together with any conditions deemed fit to apply to the application. Reasons will be given for the decision and any conditions imposed on the licence.

This will be confirmed in writing to the applicant and objector(s), or to their legal representative, accompanied by a description of any conditions which are to be attached to the granting of the licence, or the reasons for the refusal of the application. The applicant will be told of any statutory rights of appeal which are available to him/her.

NB - These procedures may be waived, altered or modified by the Chair of the Licensing Regulatory Committee

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London Borough of Islington

DRAFT

LICENSING REGULATORY COMMITTEE – 13 MARCH 2014

Minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, London N1 2UD, on 13 March 2014, at 4.55pm

Present: Councillors: Wally Burgess, Mouna Hamitouche and Marian Spall

Councillor Marian Spall in the chair

057 APOLOGIES FOR ABSENCE (Item A1)

Received from Councillor Tracy Ismail.

058 DECLARATION OF SUBSTITUTE MEMBERS (Item A2)

None.

059 DECLARATIONS OF INTEREST (Item A3)

None.

060 MINUTES OF THE MEETING HELD ON 10 DECEMBER 2013 (Item A4)

RESOLVED:

That the minutes of the meeting of the Committee held on 10 December 2013 be confirmed as a correct record and the Chair be authorised to sign them.

061 ORDER OF BUSINESS

The Chair advised all present that, in order to facilitate members of the public who were present to hear a verbal update in relation to item B3 – Update on Camden Passage Market – she proposed to take that item first.

062 UPDATE ON CAMDEN PASSAGE MARKET

The Service Manager for Trading Standards and Street Trading reminded the Committee that the Camden Passage Market had operated up to April 2013. He outlined the history of some of the complaints received and his response, all of which had been considered by the Committee on 14 March 2013. Since that time, a local business had expressed an interest in running the market, but had subsequently withdrawn. He was considering two proposals from different operators to run a Sunday morning market in the location. He reminded the Committee that any funds made from street markets would be reinvested in the street trading account and that the aim of establishing a market in the location had been to encourage footfall into Camden Passage.

Noted.

063 APPLICATION FOR THE RENEWAL OF A SPECIAL TREATMENT LICENCE UNDER THE LONDON LOCAL AUTHORITIES ACT 1991 – HIKARI SALON, 9 THEBERTON STREET, LONDON N1 0QY (ITEM B1)

The Licensing Officer drew Members' attention to the additional papers circulated by email on the previous day, comprising a letter of 9 March 2014 from Mr J. Mossman, the objector, to Mr Whitton, the Licensing Officer, responding to points raised in a letter of 25 May 2014 from Rieko Leigh, the owner of Hikari Salon, to Mr Whitton, the Licensing Officer.

In addition, the Licensing Officer reported that the Council's Planning Control Division had advised that they had carried out an investigation of the premises in January 2014 and that planning use change was not required, since the special treatments in the basement of the building were ancillary to the

LICENSING REGULATORY COMMITTEE – 13 MARCH 2014

special treatment licence.

Mr Mossman, the objector to the licence application, who lived above the premises and shared an entrance door with the Salon, said that his quality of life had been affected by the siting of beauty treatments in the basement of the building. When he had first moved into his flat, the basement was used as a store room, resulting in low footfall in the communal area. However, with the beauty treatments now sited in the basement, there was high footfall and high customer traffic in the communal area. He passed around photographs of the communal lobby area of 9 Theberton Street, together with a location plan of the premises with a remodelled front entrance. Mr Mossman had suggested to the Salon owner that it would be simple to improve access to the building and had offered to contribute to works to achieve this.

The Manager of the premises stated that they had taken steps they could to minimise the impact on Mr Mossman's entrance and exit to the building, to avoid disturbing and inconveniencing him. These measures included escorting visitors and not stepping into the hall and asking those using the building not to run. They understood his preference for a private entrance and were happy to discuss this further with him, but did not have the estimated £40,000 to share the cost of the works required. The Manager stated that Ms Leigh, the owner of the Salon, could not be present at today's meeting as she had appointments with clients.

Mr Mossman stated that there had been no offer of dialogue from the owner on the proposals to remodel the access to the building, although he would welcome this. He had received an estimate of £7k to £10k for the work, with a timescale of a week and a half. He reiterated his willingness to contribute to half of the costs, if the owner of the Salon also agreed.

The Committee adjourned at 5.35pm to deliberate and returned at 5.50pm.

RESOLVED:

1. That, subject to the standard licensing conditions, the application from Ms Marie Jacqueline Carrim-Lutchun for the renewal of a Special Treatment licence in Islington, for the basement of the premises known as Hikari Salon, 9 Theberton Street, London N1 OQY, be approved for a period of 12 months.
2. That the following additional conditions be added to the licence as follows:

- (a) No shop-related items be left in the communal hall way
- (b) Customers/clients to be supervised when moving between the ground floor and basement of the building

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee heard from the Licensing Officer that there were no outstanding health and safety or planning issues.

Note of the Committee

The Committee hoped that the applicant and the resident would enter into a dialogue to remodel the communal hallway.

064 APPLICATION FOR THE RENEWAL OF A SPECIAL TREATMENT LICENCE UNDER THE LONDON LOCAL AUTHORITIES ACT 1991 – SEVEN SISTERS SPA, 228-230 SEVEN SISTERS ROAD, LONDON, N4 3NX(Item B2)

The Licensing Officer reported that, since the despatch of the agenda and papers, the applicant's Business Plan had been circulated by email to Members, together with a Police witness statement, dated 7 March 2014. He drew Members' attention to paragraph 3.2 (ix) of the report, which referred to

LICENSING REGULATORY COMMITTEE – 13 MARCH 2014

a website for the premises and the inclusion of copies of a page listing links to disreputable adult interest websites. That page had in fact been omitted in error from the report, and copies were available here, though he stressed that this page was owned by a previous owner of the premises and the information contained therein was therefore historic.

PC Paul Hoppe, representing the Police, who had made representations against the licence application, stated that his statement of 7 March 2014 had been circulated late as he had been awaiting responses from the applicant regarding his business plan for the premises. He had not received a response in time for his further statement to be circulated with the agenda.

The Licensing Authority officer said that the Licensing Authority concurred with the Police representations. She had concerns about the proposed hours of operation and questioned the need for the premises to be kept open until 03:00 hours. She sought assurances that the applicant, Hartrise Limited, a company formed only two weeks before the Special Treatment Licence application was made, had no connection with the previous licensee, noting that both shared the same registered address, that of the applicant's legal representative.

Mr Barca, representing Mr Habte, the applicant, invited Mr Habte to present the reasons for his application, by way of response to questions from him. Mr Habte said that the barber shop next door were tenants of the same landlord, and knew that he was interested in setting up in business and informed him that the premises at 228-230 Seven Sisters Road were vacant. He had met with the landlord, Mr Aresti, and visited the premises. Mr Aresti had written to Mr Habte (- a letter dated 4 November 2013 was circulated) stating that, if he obtained a licence, he would guarantee the rent at a particular level. Mr Habte stated that he had been informed that he would obtain the lease, once the licence had been granted. Mr Habte had requested Mr Barca's firm of solicitors to assist with the application and that was why they were involved. He confirmed that he had had no contact with the previous owner of the premises.

Mr Habte stated that he had contacted the Police on two occasions after receiving the notice of objection to his application. He stated that the Police had told him that the business had been badly run in the past and Mr Habte had told the Police that he did not know the previous licensee. Mr Habte also stated that he told the Police that he would ask the landlord to contact them about their concerns about the way the premises had been run in the past. Mr Habte further stated that he had offered to meet with the Police with the plans for the new premises, but the Police stated that they wished to see only his business plan. However, once Mr Habte had posted the business plan to the Police, he heard nothing further from them, although they had his postal address in Hayes.

In response to a question from his legal representative as to why the applicant was seeking a terminal hour of 03:00 hours, Mr Habte stated there was busy footfall in the area and that the barber next door remained open until midnight, or 01:00 hours. Other shops in the area were open all night. Mr Habte stated that he wished to remain open for as long as he could as the premises was new, that he wanted to familiarise himself with when the busy periods would be and wished to keep the premises open for as many hours as he could. Mr Habte confirmed that all the women who would be working at the premises were registered with the Council, as was Ms Iaccou, who was present at this meeting.

Mr Habte confirmed that he would be the sole owner running the premises if a licence was granted. Members asked questions about any market research Mr Habte might have carried out to assess whether there was a need for the premises to remain open until 03:00 hours. Mr Habte replied that the barber next door had informed him of the busy footfall in the area and that it was a busy street. The officer who had made representations on behalf of the Licensing Authority stated that the barber shop closed at midnight and that there would be no footfall from the railway station at 03:00 hours, as set out in Mr Habte's business plan.

PC Hoppe stated that he had been the first Police Officer to speak to Mr Habte. PC Hoppe stated that he had experience of running spas and had asked Mr Habte for sight of his business plan. He had

LICENSING REGULATORY COMMITTEE – 13 MARCH 2014

expected to see an operating schedule, a business structure, an analysis of competitors in the area, price lists and promotion of the premises. PC Hoppe stated that, at the time, Mr Habte had been unsure and had asked PC Hoppe to suggest what should be included in the business plan. PC Hoppe had told him that it was not his role to advise on these matters. Mr Habte stated that he was a qualified retail manager and did not know what was needed in a business plan. Mr Habte stated that his intention to run these premises to provide Special Treatments stemmed from an accident he had had when he was young, resulting in back injuries, which were alleviated by massage. He added that he would not object to changes in the proposed opening hours, but that he preferred to keep the premises open for as long as possible.

Mr Habte confirmed that the premises would be open to men and women, aged from 18 to 50 or 60 years. He expected mainly sports users, as the premises was located near to a park. Mr Habte stated that he proposed that showers and Swedish massage would be provided as therapy. The Committee was told that the current application was for sauna and massage only and that if Mr Habte wished to provide any additional treatments, he would have to make a separate application.

Ms Ioccau, one of the therapists present at the meeting, confirmed that she was qualified to provide Swedish massage.

Mr Barca informed the Committee that the objections from the Licensing Authority relating to the proposed 03:00 hours closing were not well founded, that there were numerous similar premises operating legitimately 24 hours a day and that Mr Habte should be given an opportunity to run the premises. He submitted that it would also be inappropriate for the application to be considered on the basis of Mr Habte's business viability and that although the business plan was "amateur", it was well-intentioned and the previous owners were not Mr Habte's concern.

The Committee adjourned at 6.30pm to deliberate and returned at 6.50pm.

RESOLVED:

That the application from Mr Bereket Habte for a new Special Treatment Licence in Islington, for the premises known as Seven Sisters Spa, at 228-230 Seven Sisters Road, N4 3NX, be granted for a period of six months to provide sauna and massage, subject to the standard conditions and the following additional condition:

The operating hours be amended from 07:00 hours to 22:00 hours.

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee noted that the Business Plan, supplied by Mr Habte, did not include detailed information as to how the business would be run and there was insufficient information given to the Committee as to why he needed to operate the business every day until 03:00 hours. However, on hearing directly from Mr Habte, the Committee decided that he should be given an opportunity to run a new business to provide sauna and treatment massage at the premises.

The meeting closed at 6.53pm.

CHAIR

Report of: Assistant Chief Executive – Governance and Human Resources
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Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	2 September 2014		All

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Subject: MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS OF LICENSING REGULATORY COMMITTEE

1. Synopsis

To inform members of the remit of the Licensing Regulatory Committee.

2. Recommendations

- 2.1 To note the membership appointed by Council on 12 and 26 June 2014, terms of reference and dates of meetings of the Licensing Regulatory Committee for the municipal year 2014/15, as set out at Appendix A.

3. Background

- 3.1 The terms of reference of the Licensing Regulatory Committee (as contained in Part 5 of the Council’s Constitution) are set out at Appendix A. The quorum of the Committee is three Councillors.
- 3.2 The membership and dates of meetings agreed are also set out at Appendix A for information.

4. Implications

4.1 Financial Implications

None.

4.2 Legal Implications

None.

4.3 Equalities Impact Assessment

An equalities assessment is not relevant in this instance.

4.4 Environmental Implications

The environmental impacts have been considered and it was identified that the proposals in this report would have no adverse impacts on the following:

- Energy use and carbon emissions
- Use of natural resources
- Travel and transportation
- Waste and recycling
- Climate change adaptation
- Biodiversity
- Pollution

Papers are circulated electronically where possible and consideration is given to how many copies of the agenda might be required on a meeting by meeting basis with a view to minimising numbers. Any agenda not used at the meeting are recycled.

5. Conclusion and reasons for recommendations

The report is submitted to ensure members are informed of the remit of the Committee.

Background papers:

Islington Council's Constitution
Programme of meetings

Final Report Clearance

Signed by

.....
Assistant Chief Executive (Governance & HR)

.....
Date

Received by

.....
Head of Democratic Services

.....
Date

Report author Mary Green
Tel 020 7527 3005
E-mail mary.green@islington.gov.uk

1. COMMITTEE MEMBERSHIP – (Agreed at Annual Council 12 June 2014 and Council on 26 June 2014)

Councillors	Substitute Members
Councillor Hamitouche (Chair)	Councillor Khan
Councillor Fletcher	Councillor Alice Perry
Councillor Ngongo	Councillor Paul Smith
Councillor Spall	Councillor Claudia Webbe

2. FUTURE MEETING DATES

2 September 2014	8 December 2015	3 March 2015	15 June 2015
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3. TERMS OF REFERENCE OF THE LICENSING REGULATORY COMMITTEE

Terms of Reference

1. To determine applications for street trading, track betting and special treatment licences where there are unresolved objections to those applications.
2. To designate streets as licensed streets.
3. To revoke licences (except on the ground of non payment of fees).
4. To set and review policy in relation to the matters coming within the remit of the Committee.
5. To set fees and charges for licences.
6. To take decisions on any other licensing matter referred to it by the Corporate Director of Environment and Regeneration, except those which may lawfully be taken by the Licensing Committee established for the purpose of the Licensing Act 2003 and the Gambling Act 2005.
7. The hearing of representations and the determination of applications for a licence of a Scrap Metal Dealer, under the Scrap Metal Dealers Act 2013, where the Service Director for Public Protection proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority, within the prescribed time, that they require the opportunity to make representations about the proposal.

Delegation to Officers

All functions under the Scrap Metal Act 2013 not within the terms of reference of the Licensing Regulatory Committee, are delegated to officers as detailed in Part 3 and Appendix 2 of the Constitution.

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Report of: **Jan Hart - Service Director - Public Protection**

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	02 Sept 2014		Bunhill

Delete as appropriate		Non-exempt
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SUBJECT:

London Local Authorities Act 1994 (As Amended) Section 27 (1) Application to vary a Condition attached to a Street Trading Licence Mr Peter Holmes Licence Numbers 570 & 572

1. Synopsis

- 1.1 This report relates to an application from a licensed trader in Whitecross Street market to vary the condition on his licenses regarding setting up times (appendix 1).

2. Recommendations

- 2.1 To consider to grant the application or refuse it.

3. Background

- 3.1 The authority runs all street trading activities in the borough and is responsible for issuing licenses and ensuring that rules and regulations are adhered to. Such rules and regulations are set out in the Street Trading Conditions.
- 3.2 The standard condition attached to all licences issued in Whitecross Street market state "Stalls shall not be put out prior to 8.00 a.m. on any day". However there are some exceptions, see below.
- 3.3 Mr Holmes has held licence number 570 in Roscoe Street (part of Whitecross Street market) since March 2011 to trade as a butcher. In October 2012 due to the expansion of his operation which now includes the preparation and sale of cooked pies and mash; Mr Holmes applied for a second licence which was granted (licence number 572).
- 3.4 Both licences were granted with standard conditions stating the hours of operation and setting up times. The hours of operation that apply to these licences are 10am - 5pm. Setting up times that apply to both licences restricts them from setting up earlier than 8am.
- 3.5 During 2013 Mr Bursey a resident in Roscoe Street close to Mr Holme's pitch complained to the Council about the noise nuisance which he was experiencing; he alleged that Mr Holmes was setting up his pitches before 7am.
- 3.6 An officer investigated the complaint; an agreement was reached whereby a 7:30 am set up time was accepted by both parties.
- 3.7 In March 2014 Mr Bursey contacted the council again alleging that Mr Holmes was setting up earlier than 7:30 am, contrary to agreement with the council. The street trading team contacted Mr Holmes and

advised him not to set up his stall prior to 7:30 am. Mr Holmes was advised to make an application for a variation of his licence condition to allow him to set up at 7:00 am.

- 3.8 Mr Holmes was advised not to set up prior to 8am until his application could be considered by the councils Licensing Regulatory Committee. He was told that the Committee would not be meeting for a few months. Mr Holmes then decided not to pursue the application and informed the council that with minor adjustments he would be able to keep to the agreement of the setting up time of 7:30am.
- 3.9 On 27 June the complainant contacted the council alleging that Mr Holmes was setting up before the agreed time of 7:30am. Mr Holmes now feels that he is unable to be prepared for customers unless he sets up before 7:30am and is now proceeding with his application to allow him to set up his stall at 7am.
- 3.10 In consideration of this application the committee is asked to note that: In July 2010 eight traders in Whitecross Street were brought to Committee for breaching the condition relating to setting up times. All were setting up their stalls before 8am. On hearing evidence from the traders, complainants and the noise team the Committee decided a 7am setting up time was reasonable. In the case of each of these traders the setting up time was varied to allow each of them to set up at 7am The Committee minutes state:
'.....because of the nature of the business and the preparation involved and having been told that the setting up of the stall is done by a single individual, the variation to setting up times to 7.00am was appropriate in order for the licence holder not to breach the general conditions of the licence in respect of setting up times in Whitecross Market. The Committee is keen to see Whitecross Street market continue to flourish but must balance the rights of nearby residents not to have to put up with noise in the early hours, with those of the street traders to earn their living and would encourage market traders to keep noise levels to a minimum.'
- 3.11 The complainant, Mr Bursey has been informed of this application and was invited to attend, should he wish to object. He has informed the council that due to work commitments he will be unable to attend but has promised to forward a statement for consideration of the Committee. At the date of writing this report this statement has not been received. If the statement is received it will be circulated to members in advance or on the day of the meeting.
- 3.12 The council noise team was asked to monitor the noise levels in the market around setting up times. The team have provided feedback on two occasions. On one occasion there were some noise issues documented (see appendix 2).

4. Implications

4.1 Financial implications:

There are no financial implications should this application be granted.

4.2 Legal Implications:

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- 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.

5. Conclusion and reasons for recommendations

- 5.1 The street trading team know of no reason why this application should not be granted in line with the other traders (see 3.10).

Appendices

Appendix 1 Application for variation

Appendix 2 Noise Teams email

Background papers:

London Local Authorities Act 1990 as amended

Street Trading Conditions 2007

Final report clearance:

Signed by:



Service Director – Public Protection

Date

22/8/14

Received by:

Head of Democratic Services

Date

Report Author: Houriyeh Dervish
Tel: 020 7527 3046
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Email: Houriyeh.dervish@islington.gov.uk

Dervish, Houriyeh

From: peter holmes <[REDACTED]>
Sent: 08 August 2014 15:55
To: Dervish, Houriyeh

Hi Houriyeh. Hope all is well

My phone is playing up at the moment. I'm just sending the email to put in writing that I want the 07:00 set up to go to committee in September.

It is very stressful setting up at 07:30. We keep our noise to a minimum in the morning and the rest of the market around us are setting up at this time.

We are also losing custom as we cannot prepare our food in time for service at 12:00.

Regards

Peter [REDACTED]

Sent from my iPhone

[Redacted]

[Redacted]

-----Original Message-----

From: Fuller, Andrew
Sent: Tuesday, August 12, 2014 08:30 AM GMT Standard Time
To: Issues, NP; Hornsey, Kevin
Subject: Whitecross street

Checked with cctv and saw the fruit and veg stall setting up @ 0705 vste

0720 found homebake stall @ end of ruscoe street setting up chucking metal plates about lots of banging and crashing of metal part of the stall. Most of the food stalls in between ruscoe street and fortune street were setting up but no issues of note from these.....

-----Original Message-----

From: Savurur, Nurten
Sent: 20 August 2014 08:45
To: Issues, NP; Hornsey, Kevin; Campbell, Sonya; Sears, Zoya; Stephenson, Mark
Subject: Whitecross Street Market

Arrived at 07:25 and saw

Brazil Flavour was setting up in front of 209 Whitecross Street.

At 07:30 a food double stall was setting up on Roscoe Street at the corner of Whitecross Street. They have a big white van plate number was FD58LHY. The company name was Holmesbake.....

We also saw the stalls that were allowed to set up before 8am there was no excessive noise witnessed.....



To whom it may concern,

For the past two years or so, the quality of my life has been severely affected by the arrival of a pie and mash stall outside of my Flat. What it amounts to is a ridiculously loud alarm clock that you can never switch off every day.

Initially they began setting up well before 7 a.m- often it would be 6.30. I pointed this out to the council who said the company had not been allowed to start before 8 am. Andrew Griffin suggested a compromise of 7.30 which I reluctantly accepted just to get some sleep back!

The problem also lies in the nature of their setup. Whereas most stalls may only use a stove to cook their food, Holmesbake moves an entire Kitchen's worth of equipment each day to cook their food. Because of this they are significantly louder than most stalls and take a lot longer doing it. It is also worth mentioning the noise created by the lift they use on the back of their Luton van which roughly equates to the sound of a person screaming at the top their lungs every ten minutes or so which does get tedious after you've been woken up by it several hundred times (literally).

The only viable solution I can see is to relocate them (Which means that they won't be able to take advantage of the highly questionable parking spaces they like to occupy outside my flat) to another spot- preferably one that takes advantage of the thick double glazing that the council houses have further up Whitecross street (We don't have double glazing). Alternatively they can start at an appropriate time such as 8.00 or better 9.00.

Giving them permission to start at 7 am is not something I will ever be able to concede. I will appeal, write to my MP- whatever it takes to stop this severely affecting my life. Would anyone be able to allow what amounts to the inability to ever sleep past 7 o'clock for the foreseeable future. I have little sympathy for a company whose main purpose is to feed investment bankers pies. It is the duty of the council to protect residents from situations like this- not enable them to cause even more suffering. Allowing Holmesbake to set up even earlier than they already do is madness and totally unacceptable. I would like to take this opportunity to formally request its relocation

Yours sincerely,

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Report of: **Jan Hart - Service Director - Public Protection**

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	02 Sept 2014		Bunhill
Delete as appropriate		Non-exempt	

SUBJECT:

**London Local Authorities Act 1994 (As Amended) Section 27 (1)
Application to vary a Condition attached to a Street Trading Licence
Ms Bogna McAndrew Licence number 526**

1. Synopsis

- 1.1 This report relates to an application from a licensed trader in Whitecross street market to vary the condition on her licence regarding setting up times (see appendix 1)

2. Recommendations

- 2.1 To consider to grant the application or refuse it.

3. Background

- 3.1 The authority runs all street trading activities in the borough and is responsible for issuing licenses and ensuring that rules and regulations are adhered to. Such rules and regulations are set out in the Street Trading Conditions.
- 3.2 The standard condition attached to all licences issued in Whitecross Street market state "Stalls shall not be put out prior to 8.00 a.m. on any day". However there are some exceptions, see below.
- 3.3 Since October 2012 Ms McAndrew was trading as an assistant of the then holder of the licence.
- 3.4 Ms McAndrew took over the business from the holder of the licence (her sister in law) in May 2014; she applied for and was granted a temporary licence, to trade on the same pitch. Once she has completed a six month probationary period and has traded, during this time, to the satisfaction of the council a full licence can be issued to her.
- 3.5 Since she was granted a temporary licence, Ms McAndrew has been setting up before 8am because she needs time to prepare. This has not appeared to present any disturbance. She now wishes to apply for a 7am setting up time in line with other traders.
- 3.6 The council has not received any complaints arising from the trading practices of Ms McAndrew.
- 3.7 In consideration this application the committee is asked to note that: In July 2010 eight traders in Whitecross Street were brought to Committee for breaching the condition relating to setting up times. All were setting up their stalls before 8am. On hearing evidence from the traders, complainants and the noise team the Committee decided a 7am setting up time was reasonable. In the case of each of these traders the setting up time was varied to allow each of them to set up at 7am The Committee minutes state:
'.....because of the nature of the business and the preparation involved and having been told that the setting up of the stall is done by a single individual, the variation to setting up times to 7.00am was

appropriate in order for the licence holder not to breach the general conditions of the licence in respect of setting up times in Whitecross Market. The Committee is keen to see Whitecross Street market continue to flourish but must balance the rights of nearby residents not to have to put up with noise in the early hours, with those of the street traders to earn their living and would encourage market traders to keep noise levels to a minimum.'

3.8 The council's noise team was asked to monitor the noise levels in the market around setting up times. In the reports received there were no references made regarding the trading practices of Ms McAndrew.

4. Implications

4.1 Financial implications:

There are no financial implications should this application be granted.

4.2 Legal Implications:

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- 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.

5. Conclusion and reasons for recommendations

5.1 No objections have been received and there is no reason why this application should not be granted. If the application is granted, the condition will automatically apply to any full licence issued to her once her probationary period has been completed.

Appendices

Appendix 1 Email application

Background papers:

London Local Authorities Act 1990 as amended

Street Trading Conditions 2007

Final report clearance:

Signed by:



Service Director – Public Protection

Date

22/8/14

Received by:

Head of Democratic Services

Date

Report Author: Houriyeh Dervish
Tel: 020 7527 3046
Fax: 020 7527 3165
Email: Houriyeh.dervish@islington.gov.uk

From: Bogna McAndrew [REDACTED]
Sent: Thursday, August 07, 2014 09:56 PM
To: Griffin, Andrew
Subject: Dispensation request

Hi Andy

I would like to apply for the 7am dispensation.

Me and my employee are very considerate and kind, we love the market spirit and the community. We keep our music down, we're friendly with our neighbours and are very tidy. There was never a complaint made about us.

We would like to start at 7 to help us be ready on time and to ensure consistent great quality of our products.

Hope it's possible
Kind regards

--

Bogna McAndrew
Loop the Loop (The Whitecross Soup)
Pitch 26 Whitecross Street

[REDACTED]
[REDACTED]

[Redacted]

[Redacted]