

Licensing Regulatory Committee - 14 July 2015

Non-confidential minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, N1 2UD on 14 July 2015 at 4.00 pm.

Present: **Councillors:** Mouna Hamitouche (Chair), Angela Picknell, Michelline Safi- Ngongo and Nurullah Turan (Vice-Chair)

Councillor Mouna Hamitouche MBE in the Chair

23 APOLOGIES FOR ABSENCE (Item 1)

None.

24 DECLARATION OF SUBSTITUTE MEMBERS (Item 2)

None.

25 DECLARATIONS OF INTEREST (Item 3)

None.

26 MINUTES OF THE PREVIOUS MEETING (Item 5)

RESOLVED:

That the minutes of the meeting held on 15 June 2015 be confirmed as a correct record and the Chair be authorised to sign them.

27 BREACH OF STREET TRADING CONDITIONS - LICENCE NUMBERS 1 AND 12 CHAPEL MARKET (Item B1)

The Committee noted that Mr Mirwais Huidary, the licensed trader on pitches 1 and 12 in Chapel Market, and the subject of the report by the Service Director for Public Protection, was present.

The Street Trading Manager stated that she had no update to report to the Committee but drew their attention to a statement received from Mr Huidary on the preceding evening, which he had asked to read out as part of his case. Copies of the statement had been laid round for members. The Street Trading Manager stated that the safety of consumers and shoppers of all products purchased from Islington markets was paramount to the Council. She had brought this case to the Committee for consideration to highlight to the trader, Mr Huidary, the seriousness of the breach of street trading conditions.

Mr Huidary read out a statement to the Committee, a copy of which had been interleaved with the Committee's records. In summary, the statement explained the circumstances leading up to the incident of the purchase of commodities which breached the Trade Marks Act 1994 and the Consumer Protection Act 1987.

Mr Huidary stated that he had been trading for fourteen years without any complaints and had made one mistake this year. He confirmed that he, rather than his staff, had purchased the counterfeit goods.

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In response to a question from a Member as to how he would ensure that he did not buy counterfeit goods in the future, Mr Huidary said that he would buy only from the recommended wholesalers. In response to further questions from Members, he confirmed that he employed two members of staff and that the goods sold on his stall were mobile phones, telecommunications equipment and accessories. He also repaired chargers and headphones.

Mr Huidary acknowledged that he had made a mistake and assured members that he would not purchase goods from a random trader in the future. He said that he was even more aware of the safety of people since he had been charged with selling counterfeit goods.

The Street Trading Manager stated that Mr Huidary had been a good trader, up until the recent breach of his conditions. She added that Mr Huidary had assured her that he would attend his pitches more often and pay more attention to the associated activities.

The Committee adjourned at 4.25pm to deliberate and returned at 4.37pm.

RESOLVED:

That, acknowledging the seriousness of the breach of conditions made by Mr Huidary, this was a one-off offence, that he was not a persistent offender and therefore no further action be taken. Mr Huidary would keep his licences.

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee heard from the Street Trading Manager that there had been no other breaches of street trading conditions by Mr Huidary in the past 14 years. The Committee was satisfied that Mr Huidary was not a persistent offender.

The Committee noted that Mr Huidary had pleaded guilty to the trading standards offences and had been sentenced by the Magistrates Court. He had accepted full responsibility for the offences which lead to the breach of his licence conditions.

28 EXEMPT APPENDICES - BREACH OF STREET TRADING CONDITIONS - LICENCE NUMBERS 1+12 IN CHAPEL MARKET (Item E1)

RESOLVED:

That the information in the exempt appendix be noted.

The meeting ended at 4.40 pm

CHAIR