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## AGENDA FOR THE LICENSING REGULATORY COMMITTEE

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An additional meeting of the Licensing Regulatory Committee will be held in Committee Room 1, Town Hall, Upper Street, N1 2UD on **14 July 2015 at 4.00 pm.**

**John Lynch**  
**Head of Democratic Services**

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Despatched : 6 July 2015

### Membership

Councillor Mouna Hamitouche MBE  
(Chair)  
Councillor Angela Picknell  
Councillor Michelline Safi Ngongo  
Councillor Nurullah Turan (Vice-Chair)

### Substitute Members

Councillor Theresa Debono  
Councillor Kat Fletcher  
Councillor Rupert Perry  
Councillor Marian Spall

Quorum is 3 Councillors

Procedures to be followed at the meeting are attached.



<b>A. FORMAL MATTERS</b>	<b>Page</b>
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. Procedure for the meeting - this is attached	1 - 2
5. Minutes of the previous meeting	3 - 6

<b>B. LICENSING MATTERS</b>	<b>Page</b>
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1. Breach of street trading conditions - Licence numbers 1 and 12 Chapel Market	7 - 42
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<b>C. Urgent non-exempt/non-confidential matters</b>	<b>Page</b>
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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**

**Page**

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)**

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|----|---|---------|

**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.

The next ordinary meeting of the Committee is scheduled for 7 September 2015

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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 - 15 June 2015**

Non-confidential minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, N1 2UD on 15 June 2015 at 4.10 pm.

**Present:**           **Councillors:**           Mouna Hamitouche (Chair), Michelline Ngongo and Nurullah Turan

### **Councillor Mouna Hamitouche MBE in the Chair**

**17        APOLOGIES FOR ABSENCE (Item 1)**

Received from Councillor Picknell.

**18        DECLARATION OF SUBSTITUTE MEMBERS (Item 2)**

None.

**19        DECLARATIONS OF INTEREST (Item 3)**

None.

**20        MINUTES OF THE PREVIOUS MEETING (Item 5)**

**RESOLVED:**

That the minutes of the meeting held on 8 December 2014 be confirmed as a correct record and the Chair be authorised to sign them.

**21        MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS IN 2015/16 (Item 6)**

The Committee noted that Councillor Turan had volunteered to serve as Vice-Chair of the Committee for the municipal year 2015/16.

**RESOLVED:**

(a) That the membership of the Committee, as appointed at the Annual Council on 14 May 2015, terms of reference and dates of meetings of the Licensing Regulatory Committee for the municipal year 2015/16, as detailed in Appendix A of the report of the Assistant Chief Executive – Governance and Human Resources, be approved.

(b) That Councillor Nurullah Turan be appointed as the Vice-Chair of the Committee for the municipal year 2015/16, or until a successor is appointed.

**22.       APPLICATION FOR RENEWAL OF A SPECIAL TREATMENT LICENCE – FOR YOUR EYES ONLY, 23 CITY ROAD, LONDON EC1Y 1AG (Item B1)**

The Committee noted that Ms Julie Palmer, a solicitor representing the applicant, Mr Glenn Nicie, together with Mr Tony Osborne, the Manager of the premises, and Ms Carly Swallow, a masseuse at the premises, were present. Ms Katie Tomashevski, Licensing Officer, represented the Licensing Authority.

The Licensing Officer referred to additional information in the form of an email which had been circulated to members of the Committee earlier in the day, which attached a photograph of the interior of the Club and a drinks menu.

## Licensing Regulatory Committee - 15 June 2015

Ms Palmer provided colour versions of the same photograph to members of the Committee. In response to a question, Mr Nicie stated that the hours of operation of the premises were from 5.00pm to 3.00 or 4.00am.

Ms Palmer stated that the premises had had a Special Treatment Licence since 2012 and the application before the Committee today was an application for a renewal. She described the premises as a Gentlemen's Club and that Ms Swallow was licensed by Islington Council as a masseuse to provide head and neck massage. Her clients mostly comprised men who worked in the City, who attended the Club for a massage in a safe environment. She said that Ms Swallow wore a uniform to provide the massage, which she had brought with her today, should members wish to see it. The massage was provided in full view of other patrons at the premises. Referring to the objection to the application by a local resident (page 17 of the agenda), she described as "scurrilous allegations" the reference to massage being provided to areas of the body other than the head and neck. In response to questions from members, Ms Swallow stated that she provided a massage service on Thursdays and Fridays and that she was registered with the Council.

In response to a question from the Chair, the Licensing Officer confirmed that she had visited the premises approximately three weeks previously. She stated that the premises had three licences: a Special Treatment Licence, a Premises Licence to sell alcohol and a Sexual Entertainment Licence. She drew the Committee's attention to the standard conditions which apply to Special Treatment Licences, detailed on page 19 of the agenda.

In summing up, Ms Palmer commended the report to members. She stated that the report drew attention to the possible grounds for refusal of a Special Treatment Licence none of which, she maintained, could be applied to this premises. She reiterated that the massage provision was for the head and neck only. There had been no complaints about the way the premises had operated since the licence had been in operation since 2012.

The Committee adjourned at 4.35pm to deliberate and returned at 4.48pm.

### **RESOLVED:**

That, subject to the standard licensing conditions and the additional conditions referred to on page 18 of the agenda, the application from Mr Glenn Nicie for the renewal of a Special Treatment Licence in Islington, for the purposes of massage (head and neck only), in the basement of the premises known as For Your Eyes Only, 23 City Road, London EC1Y 1AG, be approved for a period of 12 months.

### Reason for decision

The Committee considered all of the written and oral evidence.

The Committee heard from the Licensing Officer that the premises had been licensed as a special treatment premises to permit a registered special treatment therapist to provide massage to the head and neck since 2012 and that no complaints had been received about the way the premises had operated in the past. The Committee heard from the Licensing Officer that no issues for concern in regard to the special treatments licence were identified at a recent inspection.

The Committee noted the single objector had not attended, but noted his written objection.

The Committee was satisfied that there were no legal grounds to refuse the application for renewal of the licence.



**Licensing Regulatory Committee - 15 June 2015**

The meeting ended at 4.50 pm

**CHAIR**

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

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	14 July 2015		Barnsbury

Delete as appropriate	Exempt	

**Appendices 1 & 2 attached** are exempt and not for publication as they contain the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

### SUBJECT:

## London Local Authorities Act 1994 (As Amended) Section 28 (1) (d) & (h) Breach of Street Trading Conditions

### Mr Mirwais Huidary Licence 1 & 12 Chapel Market

#### 1. Synopsis

- 1.1 This report relates to the breach of street trading conditions by Mr Mirwais Huidary a licensed trader on pitches 1 & 12 in Chapel Market. Copies of the licences are attached as Appendix 1 & 2. He is licensed to sell Mobile Telephones, Telecommunications Equipment and accessories on pitch 1 and Jewellery and watches on pitch 12.

#### 2. Recommendations

- 2.1 To consider
1. the revocation of the street trading licences of Mr Huidary; a licensed trader on pitches 1 & 12 in Chapel Market.
  2. vary the conditions to the said licences and/or attaching further conditions to the said licences.
  3. take no further action.

#### 3. Background

- 3.1 The authority runs all street trading activities in the borough and is responsible for issuing licences and ensuring that rules and regulations are adhered to. Such rules and regulations are governed by the London Local Authorities Act 1994 (as amended).
- 3.2 Section 28 (1) (d) states a licence can be revoked if the licence holder is on account of misconduct or for any other sufficient reason unsuitable to hold the licence.
- 3.3 Section 27(3) of the London Local Authorities Act 1994 states, "The borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its

grant or renewal”.

- 3.4 Clause 6 of the conditions attached to all street trading licences state “The business activity of the stall shall be undertaken in compliance with other legislation enforced by the Council or other Agencies, e.g. Health and Safety, Food Safety, Trading Standards, Fire Prevention and Highways Regulations”. A copy of the conditions is attached as Appendix 3.
- 3.5 On 9 April 2015, Mr Huidary was summoned to appear in Court, and pleaded guilty to seven charges of infringement of Trading Standard laws relating to the Trade Marks Act 1994, the Electrical equipment (safety) Regulations 1994 and the Consumer Protection Act 1987; whilst trading from pitch 1 in Chapel Market. He cited mitigating circumstances. A community order was made for 12 months with 100 hours unpaid work, he was ordered to pay some of the costs and forfeit all seized goods for destruction.
- 3.6 A letter was sent to Mr Huidary on 16 June 2015 informing him that as a result of breaching both the London Local Authorities Act 1994 (as amended) and the Street trading Conditions, his licence would be referred to the Licensing Regulatory Committee for consideration. Mr Huidary has since telephoned to the council to express his concern and to confirm that he would attend the meeting accompanied by a representative. A copy of the letter sent to Mr Huidary is attached as Appendix 4.

## 4 Implications

### 4.1 Financial implications:

All income generated from fees is charged to the ring fenced Street Trading account. Where a licence is revoked it can be allocated to another trader and therefore there should be no adverse effect on the street trading account.

### 4.2 Legal Implications:

The London Local Authorities Act 1994 (as amended) provides that a borough Council may revoke a street trading licence granted by them if amongst other things the licence holder:

*is on account of misconduct or for any other sufficient reason unsuitable to hold the licence (Section 28 (1) (d). and/or*

*has persistently failed to comply with any condition of his licence (section 28 (1) (h).*

If the council considers that the licence could be revoked for this reason they may consider, instead of revoking it to vary its conditions by attaching further conditions –

- (a) reducing the number of days in any week or the period in any one day during which the licence holder is permitted to trade; or
- (b) specifying a different licence street or position or place in any such street at which the licence holder may sell or expose or offer for sale articles or things or offer or provide services; or
- (c) restricting the description of articles, things or services in which the licence holder is permitted to trade.

## 5 Conclusion and Recommendations

- 5.1 The street trading team work closely with other departments to ensure the safety of all its shoppers and consumers in relation to products purchased from Islington markets. It is felt that due to the seriousness of this matter it is appropriate that matters such as this should be referred to the Licensing Regulatory Committee for consideration.
- 5.2 A decision to revoke a licence is never taken lightly by the council as it affects the livelihood of the trader and sometimes the market is the only source of income for his/her family. With this particular case it should be noted that Mr Huidary had pleaded guilty. On receipt of the letter inviting him to address the committee Mr Huidary telephoned the council to express his deep concern and assurance

that this matter would not be repeated and that he would take better control of his business.

- 5.3 A decision to vary the licence could be taken to restrict the type of goods Mr Huidary is able to sell. He could for example be restricted from selling electrical items, as these were the source of the safety breaches. The Committee will need to consider representation from Mr Huidary as to whether this option is proportionate based on the percentage of electrical/non electrical goods that he sells.
- 5.4 To take no further action; members may opt for this outcome if they decide that bringing this case to the attention of the Committee adequately highlights the seriousness of the matter to the trader and that Mr Huidary has been punished enough through the courts. It is essential that Mr Huidary convinces the Committee that he will have more control over the day to day activities on the pitch. He will also need to convince the Committee that in future he will only ever buy stock from reputable suppliers and obtain receipts/invoices and appropriate documentation. Finally he must convince the Committee that he is unlikely to offend again.

**Appendices**

Appendix 1 & 2 copies of Mr Huidary's licences

Appendix 3 copy of the Street Trading Conditions

Appendix 4 Letter to Mr Huidary

**Background papers:**

None

Final report clearance:

**Signed by:**

  
Service Director – Public Protection

Date 1st July 2015

**Received by:**

Head of Democratic Services

Date

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# ISLINGTON

## **LONDON BOROUGH OF ISLINGTON STREET TRADING CONDITIONS AND PROCEDURES (MARKETS AND SCATTERED SITES)**

London Borough Islington  
Street Trading  
Public Protection  
222 Upper Street  
London  
N1 1XR

P: 020 7527 3830

E: [street.trading@islington.gov.uk](mailto:street.trading@islington.gov.uk)

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# Street Trading Conditions and Procedures

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## Conditions

### *Introduction*

1. The London Borough of Islington's vision for markets is to create a dynamic street trading and market experience that is diverse and vibrant adding value to the economic, social and cultural fabric of Islington. The recently developed Street Trading Strategy provides a number of objectives to implement to ensure the continued success of the markets.
2. All forms of street trading are controlled by a number of acts of Parliament, the principal act being the London Local Authorities Acts 1990-2004. The control of street trading is the responsibility of the local authority. Trading licences are issued under the regulations set within 'the Act'. Street Trading Officers check licences daily and unlicensed traders may be prosecuted for trading illegally.
3. A trader is responsible for the management of the licensed area governed by the conditions of the licence. The following document provides conditions applicable to all street trading licences and procedures guidelines to assist traders develop a positive market experience. This document does not cover the conditions and procedures governing trading from shop fronts or private land, this is dealt with in a separate document.

### *Street Trading Licence Conditions*

4. These Conditions remain in force with effect from 1 January 2008 and apply to all street trading licences issued under the London Local Authorities Acts 1990-2004.

### *Definitions*

5. The following expressions will have the following meanings assigned as determined by the Act 1990 (Part III, Section 21(1) as amended) unless otherwise stated.
  - i. **'The Act'** – the London Local Authorities Acts 1990-2007.
  - ii. **'Advertisement'** means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for the display of advertisements, and shall be construed accordingly.
  - iii. **'Assistant'** means a person employed by and acting under the directions of a trader to assist him/her about the business of the stall, and whose name and address has been notified to 'Council'.
  - iv. **'Awning'** means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.
  - v. The **'Council'** means the London Borough of Islington.
  - vi. **'Fixed Penalty Notice'** may be given under section 15 (fixed penalty offences) of the London Local Authorities Act 2004 (part 4)

## Street Trading Conditions and Procedures

by an authorised officer in respect of any offence set out in schedule 2 of the Act. The officer may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty in accordance with Schedule 2 of the Act.

- vii. **'Goods'** means any goods, wares or merchandise for sale or stored at a stall.
- viii. **'Licensed street trader'** means any person who is licensed for street trading under part III of the London Local Authorities Act 1994.
- ix. **'Licensed street trading pitch'** means a pitch in any street authorised as a place at which street trading may be engaged in by a street trader, and includes any temporary alternative place approved by the Council.
- x. **'Premises'** means a shop, house or block of flats immediately behind a licensed pitch.
- xi. **'Receptacle'** includes a vehicle or receptacle and any basket, bag, box, vessel, stand, stall, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or the display of any article or thing or equipment used in the provision of any such service.
- xii. **'Refuse'** includes any waste material.
- xiii. **'Stall'** means any structure used by a trader for the display of goods, or in connection with his/her business, and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of a stall business. This also includes rubbish created as a result of the business.
- xiv. **'Stall limits'** means the authorised ground markings defining the area within which the stall is to be contained.
- xv. **'Street trading'** shall have the meaning ascribed in Section 27 (1) of the London Local Authorities Act 1994. A licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years.
- xvi. **'Specified proportion'** means such proportion, applicable in all cases, as may be determined for the purposes of this section by the borough councils acting through the joint committee
- xvii. **'Temporary licence'** means a licence granted under the Act valid for a single day or for such period as may be specified in the Licence not exceeding six months.
- xviii. **'Temporary licensee'** means a licence holder who is on a six month probationary period.
- xix. **'Us'** and **'we'** mean the London Borough of Islington's Street Trading Section.
- xx. **'You'** means the trader or person named as the holder of this licence authorising street trading from a licensed pitch. Where a licence is held in more than one name, 'you' means each person named and applies to each person both individually and collectively. 'Your' shall be read in this context.
- xxi. **'Your pitch'** means the pitch(es) identified in this licence.

### ***Licence compliance***

6. The business activity of the stall shall be undertaken in compliance with other legislation enforced by the Council or other Agencies, e.g. Health and Safety, Food Safety, Trading Standards, Fire Prevention and Highways Regulations.
7. The licence is the approval to trade under the Act. It does not constitute any other approval that a trader might need, under bye-laws, regulations or other enactments.
8. Council may vary the conditions of this licence or attach additional conditions at any time.
9. Where Council provides its approval under this licence, it may attach any conditions or restrictions that are deemed reasonably appropriate.
10. If you wish to vary any of the licence terms or conditions you must make it in writing to Council.

### ***Use of this Licence***

11. This licence is for your sole use. You may not assign it to anyone else. You shall produce your licence, which must be carried at all times when trading, if requested by an authorised officer of the Council or Police Officer.
12. You must at all times display a display card supplied by the Council, indicating the licence and pitch number, name and photograph of licensee, location and size of pitch, market and commodities sold.
13. The display card must be kept and permanently exhibited on the stall whilst trading is taking place.
14. Trading may only take place on the days and during the times specified on the licence.
15. If alcoholic drinks are consumed or sold at a licensed site, you will need to be able to produce when requested the appropriate Licences to an authorised officer of the Council or the Police.
16. Naming and displaying your business name must comply with the Business Names Act of 1985.

### ***Stall Requirements***

17. You shall only trade from the location which is indicated on your licence.
18. The trading area shall not be larger than the size stated on your licence and any stall limits marked on the ground.
19. You shall only use those receptacles stated on your licence which have been approved by us. All goods and containers (except refuse containers used for waste) or other articles need to be contained within the licensed pitch area and not extend outside.
20. The stall needs to be easily and immediately removed in the case of an emergency. You or your assistant must remove the stall and goods for

## Street Trading Conditions and Procedures

as long as required in the event of an emergency, or when requested by an authorised officer of the Council or Police Officer.

21. The roof, awning, any supports or suspended goods are required to be at least 2.6m (8'6") above the ground and contained within the pitch area, unless agreed to by us.
22. The stall and goods are to be removed from your pitch to your nominated storage area, as stated on the application form or agreed in writing by us, **within one hour of the cessation of the day's trading** (i.e. the time shown on your licence to end trading for that day),
23. Stalls not removed at the cessation of trading may be removed by us to a place of storage. We will have the right to recover from you any costs incurred by us in removing and storing your stall.
24. Stalls or accessories must not damage the carriageway or footway.
25. No advertisement shall be displayed on your pitch which relates to any goods, commodities or services apart from those being offered for sale from your pitch.
26. The design and appearance of the stall and display will require the written approval from the Council in advance of the licence being granted. The design of the stall that is approved shall be so maintained thereafter.
27. The operation of your stall must not cause a nuisance to other traders or the general public.

### *Electrical requirements*

28. All electrical power supplies will require approval by us prior to installation. All electrical wiring and components shall comply with the basic London Electricity Board specification and be earthed and insulated accordingly. Electrical power shall only be used for the purpose of lighting and the operation of electrical scales and tills, or other agreed services.
29. You will be held liable for any damage to any electrical installation provided by Council if it is shown that the damage was caused by your actions or neglect.
30. You may only run electric cables for lighting or other agreed services between your stall and other stalls or premises. Any electrical connections shall be easily detached and the detailed arrangements agreed with us. Electrical cables hung over the public highway will require a minimum clearance of 2.6m (8'6") from the footway surface and 5.6m (18'6") from the carriageway surface.
31. Heaters or heating equipment (e.g. braziers) must be located in the trading area to ensure the safety of the public. The position of the heaters in relation to other goods or materials must be agreed to by us.
32. If using a mobile electrical generator they must be positioned so that:
  - i. they are not a danger to the passing public;
  - ii. they are not a fire hazard to the stall or goods;

## Street Trading Conditions and Procedures

- iii. they do not create a noise of fume nuisance; and
- iv. the inflammable fuel is stored away from the stall in London Fire Brigade approved containers.

### **Refuse**

- 33. You are responsible for all refuse arising as a result of your activities. All material is to be placed in a covered container provided by you (unless provided by us or an approved agent of us) exclusively for refuse collection. These containers are to be kept clean.
- 34. Refuse containers are to be emptied whenever possible into any vehicle, container or compactor provided by us for that purpose.
- 35. In keeping with the Council's environmental sustainable initiatives you are to support the following practices where practical:
  - i. Keep packaging of goods to a minimum or use recycled packaging where possible;
  - ii. Keep the use of non-recyclable carrier bags to a minimum;
  - iii. Compost food waste in line with the Council's policy of composting;
  - iv. Recycle all refuse where appropriate in line with Council's policy.

### **Product**

- 36. You must be aware of the relevant legislation relating to your goods, commodity or service. You will be required to complete the Council's Street Trading Best Practice Certificate within six months of a licence being issued or renewed.
- 37. In line with the Trade Description Act 1968 you are not to make any statements about the goods, commodity or service offered for sale which is false or misleading.
- 38. Only the goods specified on the licence may be sold on your pitch.
- 39. If you are selling food you will need to comply with the requirements of the Food Hygiene (Market, Stalls and Delivery Vehicles) Regulations 1966 (as amended).
- 40. All goods or commodities sold by weight or number shall indicate the unit of quantity in which they are being offered for sale. Metric measurements are to be used for all weights and measures, imperial measurements may only be used for supplementary information. If you offer a service you need to make clear the nature and cost of that service.
- 41. You are licensed to have only one class of commodity (e.g. fruit and vegetables, or clothing, or haberdashery and compatible commodities).
- 42. You must notify us immediately, in writing, of any change of address or addresses at which the stall and perishable goods are stored.
- 43. You must not sell or distribute political or religious material designed to incite hatred, weapons and explosives, any pornographic material, illegal

## Street Trading Conditions and Procedures

substances or counterfeit goods. Failure to comply with this condition will result in the immediate seizure of all goods and may result in revocation of your licence and prosecution.

### ***Terms of Operation***

#### *Attendance*

44. You shall be in personal attendance on your pitch for the majority (at least 50 per cent) of the working day, apart from absences for illness or holidays.
45. You must attend and trade for a minimum of three days each week.
46. You may **NOT** enter the market with a vehicle to remove your goods or stall until the end of the official market trading day or at a time agreed to in writing by us.

#### *Trader information*

47. When applying for your street trading licence you must provide three full face passport size photographs. One of the photographs will be attached to the licence and must be carried by you at all times whilst trading is taking place. The second photograph will be retained for official use. The third photograph will form part of the stallcard.
48. You must give all reasonable assistance to an authorised officer of the Council carrying out their duties.
49. You must notify us, in writing, the names and change of addresses of any assistant(s) employed by you to operate the stall.
50. You will need to provide evidence of kinship where a licence is to be transferred on that basis.
51. You must have a minimum of £2 million third party insurance.
52. You must pay your weekly licence fees by standing order with your bank/building society and must maintain these payments throughout the term of the licence, unless otherwise agreed by us. Payment by cash is no longer accepted.

#### *Customer Service*

53. Under the provisions of the Consumer Protection Act 1987 you shall not mislead the public about their legal rights, either verbally or by displaying incorrect signs (e.g. no goods exchanged, no refunds given).
54. You must ensure that you and your staff are competent, courteous and helpful and ensure all members of the general public are treated fairly and with courtesy. The Council does not tolerate abuse of any sort. Any complaints of serious abuse of any nature against Council officers, other street traders or members of the public may be regarded as grounds for revocation of a street trading licence.

### **Market Trading**

55. You are to be in position, goods displayed and contained with the pitch, to commence trading from your stall by no later than the commencement times listed below. If your pitch is not utilised by you at commencement of trading we may re-let the pitch for the day.
56. Hours of commencement and cessation may be varied, in individual cases with prior written consent by us.

<b>Market/area<sup>1</sup></b>	<b>Days of trading</b>	<b>Commencement of trading</b>	<b>Cessation of trading</b>
Chapel <sup>2</sup>	Tuesday to Sunday	9am Tuesday to Saturday 8.30am Sunday	6pm Tuesday to Saturday 4pm Sunday
Whitecross	Monday to Saturday	10am Monday to Saturday <sup>3</sup>	5pm Monday to Saturday
Exmouth	Monday to Saturday	9am Monday to Saturday	6pm Monday to Saturday
Camden Passage	Wednesday and Saturday	7am Wednesday and Saturday	3pm Wednesday and Saturday
Camden Walk	Sunday		
Archway	A private market until September 2007 – future location and designation subject to Licensing Regulatory Committee decision.		
Torrens Street	The area is designated for street trading on a Sunday but currently no trading is carried out.		
Scattered sites <sup>4</sup>	Monday to Saturday	9am Monday to Sunday (unless otherwise stated)	6pm Monday to Sunday (unless otherwise stated)
Arsenal Area	First Team and International Matches	Two hours prior to start of match	One hour after cessation of match

### **Enforcement**

57. If you are found to be in breach of your licence or any of these conditions follow up action will be undertaken by an authorised officer of the Council (Street Trading Officer) or Police Officer.
58. We implement a number of different enforcement actions they are:
- i. If you are unclear or are in initial breach of your licence or the offence is considered minor then the Street Trading Officer will provide face to face advice and guidance about your street trading responsibilities followed up by a letter of advice. Continued breach of your conditions will result in the issue of a formal warning

<sup>1</sup> Details of each trading location can be found at 1.

<sup>2</sup> Includes White Conduit, Godson and Baron Streets.

<sup>3</sup> Stalls shall not be put out prior to 8.00am on any day.

<sup>4</sup> Excluding newspaper stands

## Street Trading Conditions and Procedures

- ii. If you continue to commit an offence and refuse to take action to remedy the offence a fixed penalty notice (FPN) will be served. (Offences listed in Schedule 2 of the London Local Authorities Act 2004 can be served by a FPN). If you pay the penalty within the prescribed timeframe you will avoid prosecution.
  - iii. A discount will be available for FPNs paid within 14 days from the date the notice was served. (This percentage is to be determined by the London Councils acting through the joint committee). A FPN must be paid within 28 days of the notice being served. If the FPN is not paid the case will be considered for prosecution in the Magistrate's Court.
  - iv. Notices stating the nature of the offence will be issued by the Street Trading area of Council.
  - v. The decision to prosecute will be made in line with the Code for Crown Prosecutors<sup>5</sup>. This document details the public interest and evidential considerations when bringing proceedings. Islington Council's Legal Services will initiate proceedings on Councils' behalf.
  - vi. All enforcement decisions and actions are made with due regard to the provisions of<sup>6</sup>:
    - The Human Rights Act 1998
    - The Crime and Disorder Act 1998
    - Police and Criminal Evidence Act 1984
    - Criminal Procedure and Investigations Act 1996
    - Regulation of Investigatory Powers Act 2000
    - Freedom of Information Act 2000
    - Disability Discrimination Act 2005
    - Equal rights and anti-discrimination legislation.
  - vii. Enforcement by the Council's officers will be undertaken in line with the Enforcement Concordat<sup>7</sup>.
59. Serious breaches or recurring breaches of the conditions may result in you being prosecuted for the infringement of the street trading licence conditions. Persistent breaches of the conditions may be reported to the Licensing Regulatory Committee and may lead to a revocation of your licence.

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<sup>5</sup> Code of Crown Prosecutions available from [http://www.cps.gov.uk/victims\\_witnesses/code.html](http://www.cps.gov.uk/victims_witnesses/code.html) or on p: 020 7796 8000.

<sup>6</sup> If it is in the public interest and appropriate, information concerning non-compliance will be shared with other enforcement agencies. Where this takes place, we will ensure that the Data Protection Act 1998 and Human Rights Act 1998 are observed.

<sup>7</sup> Enforcement Concordat is available at [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)



## Islington Street Trading Procedures

### ***Application Process***

60. You are strongly advised to make an appointment to talk to Islington's Market Manager prior to applying for a street trading licence – contact details at Appendix 1.
61. There are two types of street trading licences, permanent and casual. The choice of licence is dependent on your requirements and location for trading.

### **Permanent Licence**

62. These are offered, where available, to any suitable person wishing to trade in the London Borough of Islington. The procedures for applying is detailed below:

#### **Step 1 – Application to Trade:**

63. After initial discussion with the Street Trading Manager you will be given a copy of the Council's Street Trading Conditions and Procedures. You will be expected to abide to the Conditions relating to your licence once you receive your licence.
64. After this discussion you will be expected to provide us with a simple business case which will detail where you want to trade, what you will be selling (including any market research you have undertaken), how your products will be displayed, background of previous experience (if appropriate) and an outline of your health and safety procedures (including relevant Food Safety and Hygiene practices). You will need to submit this and your completed application form prior to a licence being granted.
65. Your application to trade will be reviewed by the Street Trading Manager and one other Council Officer (either from Trading Standards, Commercial Health or Planning). You may be required to attend an interview to discuss your application further and / or to provide samples of your product.

#### **Step 2 – Proof of Identity and Insurance:**

66. Before your licence can be issued you will be required to provide the following:
  - Three full passport size photographs of yourself to be signed on the reverse by you as proof of identification;
  - A certificate of your current public liability insurance to the value of £2 million and for the period you wish to be a trader in Islington (we can advise you on how to obtain this insurance);
  - Your driving licence or passport as proof of your identity;
  - A recent (within the past 3 months) bank statement or electricity / gas bill to provide evidence of your address;

## Street Trading Conditions and Procedures

- Your National Insurance Number and evidence that you have a legal right to employment in the UK. Temporary National Insurance Numbers are not acceptable;
- Evidence of your self employment status as issued by HM Revenue and Customs (self-employed is defined by HM Revenue and Customs as 'if you are in business on your own account and bear the responsibility for the success or failure of that business'); and
- Evidence of complying with the Business Names Act of 1985 (if required).

### **Step 3 – Temporary Trading Period:**

67. Once you have complied with Steps 1 and 2 you will need to pay an administration and temporary licence fee (refer to Appendix 2 for a schedule of the fees). Please note Temporary licenses are not available at the Emirates Stadium.
68. A temporary licence and your stallcard will then be issued. This entitles you to trade for up to six months providing you trade to the satisfaction of Council.

### **Step 4 – Issuing a Permanent Trading Licence:**

69. After six months your trading activities will be assessed and you will be required to complete the Council's Street Trading Best Practice Certificate – this is a programme of training focusing on health and safety, food safety, customer's rights, customer service, business planning and promotion. This can be done through attending a workshop or by passing a self completion test.
70. If you have traded to the satisfaction of us and received your Street Trading Certificate we will prepare a report for the Council's Licensing Regulatory Committee recommending a full licence be issued to you.

### **Step 5 – Full licence:**

71. Once your permanent licence has been issued you will be entitled to trade for up to a maximum of three years. Monthly payments, paid in advance must be to Council via a standing order at your bank/building society, unless agreed by the Council. Cash is no longer accepted.

### **Licence Variation**

72. Variations may be considered throughout the term of the licence such as changes of commodity. Changes to commodities are made taking into account any restrictions regarding commodities.
73. A fee is charged for each variation that is granted (refer to Appendix 2 for a list of charges) and must be paid in advance of the revised street trading licence being issued.

### **Renewal of Permanent Licences (excluding Arsenal)**

74. Permanent licences are renewed on a three yearly cycle on 1 January. Renewal application forms are sent to all existing licensed traders usually in October along with a copy of the Standard Street trading

## Street Trading Conditions and Procedures

Licence Conditions. These forms must be completed and returned in person to the Street Trading Office by the specified deadline, together with:

- Full face passport photograph of you, signed on the reverse;
  - Proof of third party public liability insurance;
  - Proof of identity and address;
  - Evidence of your self employment status as issued by HM Revenue and Customs (self-employed is defined by HM Revenue and Customs as 'if you are in business on your own account and bear the responsibility for the success or failure of that business'); and
  - Evidence of complying with the Business Names Act of 1985 (if required); and
  - If required, completion of the Street Trading Best Practice Certificate. This will be mandatory if a written complaint has been received by Council.
75. An Officers Panel will automatically grant the renewal of a licence provided there is no request for variation, breaches of the conditions or registered complaints against the trader during the term of the previous licence. In these instances the renewal may be referred to the Licensing Regulatory Committee.
76. Licences and stallcards are issued at the end of December. An administration fee (refer to Appendix 2 for the schedule of fees) must be paid for the licence to be renewed.

### **Renewal of Arsenal Licences**

77. Renewal of Arsenal Licences follows the same procedures as for renewing a permanent licence, detailed above. The only difference is the time-frame for application. Licences for the Arsenal sites are valid only for the football season (July – end May). Renewal application forms are sent in April and new licences are issued by the end of June.

### **Non-renewal**

78. The Council may refuse to renew a street trading licence on account of misconduct or any other sufficient reason. Before this decision is made the applicant will be given the opportunity to defend his/her right to retain their licence. In the event of the Council not renewing the licence the trader has the right of appeal to a Magistrates Court (usually Highbury Magistrates Court).

### **Revocation**

79. The Council may at any time revoke a traders' licence on account of misconduct or any other sufficient reason. Before a licence is revoked a trader may be given the opportunity to defend his/her right to retain their licence. In the event of the Council revoking the licence the trader has the right of appeal to a Magistrates Court.
80. A street trading licence may be revoked or refused renewal for the following reasons (refer to Section 28(1)).

## Street Trading Conditions and Procedures

- i. A trader may no longer be able to trade without causing undue interference or inconvenience to persons or vehicles using the street if changes have been made to the street layout since the grant or renewal of a licence.
- ii. The licence holder is selling goods or services which the Council have resolved not to allow.
- iii. The licence holder has, without reasonable explanation, failed to trade in person the required minimum number of days a week.
- iv. The licence holder due to misconduct or other sufficient reason is assessed as being unsuitable to hold a licence.
- v. The licence holder has for a period of four weeks or more failed to pay fees or charges due to the Council in connection with the street trading licence. Or has failed to pay any charges due from him/her for storage, if provided.
- vi. The licence holder has failed to provide suitable and adequate storage for the trading receptacles or any perishable goods.
- vii. The licence holder has persistently failed to securely store all trading receptacles.
- viii. The licence holder has persistently failed to comply with the conditions of the licence.

### **Casual Licence**

81. These are offered, where available, to any suitable person wishing to trade in the London Borough of Islington. A permanent licence holder can hold a casual licence in conjunction with their permanent licence. The procedures for applying are similar to a permanent licence and are detailed below:

**Step 1 – Step 3 are the same as for a permanent licence.**

#### **Step 4 – Issuing a Casual Licence:**

82. A stall card will be issued to you which must be signed by you and include a full face passport photograph of you.
83. You will be invited to purchase trading vouchers. Each voucher permits you to trade under the terms and conditions stated on the voucher and must be handed to the Street Trading Officer on the day of trading. These vouchers may not be sold, lent or transferred to any other person. You must sign and collect the licence and vouchers in person from the Street Trading Office.

### **Notes on casual trading**

84. Holders of casual licences are not entitled to a specific pitch. The Market Inspectors will allocate any available vacant pitches on the day of trading. Pitch sizes vary so you are advised to ensure your stall is no larger than the smallest 2.44m x 0.91m (8'x3') pitch.

## Street Trading Conditions and Procedures

85. If you do not trade for a period of three consecutive months your casual licence will lapse and no further trading vouchers will be issued. Unspent vouchers returned to council within six months from date of issue will be eligible for a full refund. No refund will be given for vouchers outside of this time frame.
86. In special circumstances a casual licensee may trade from more than one vacant pitch. Pitches must be adjacent to one another and you must surrender the appropriate number of street trading vouchers to the attending market inspectors.
87. If you require a casual licence for a street market event please refer to the Council's Street Trading Events Protocol prior to applying for your licence. This is available from the Council's Website ([www.islington.gov.uk](http://www.islington.gov.uk)) or from the Street Trading Manager.

### **Renewal**

88. Casual licences must be renewed in the first week of January every year. The procedure for renewing a casual licence is the same as above and no committee approval is required. You must do it in person at the Council's Street Trading Office.
89. There is no right of appeal against the revocation of a temporary or a casual licence.

### **Commodity**

90. In considering the type of commodity to be sold Council ensures the proposed product/service complements not competes with the existing retail mix of the area. The number of licences permitted reflects the Business Usage Planning Policy in that no more than 20 per cent of the stalls will be one type of commodity and there is no more than 50 per cent of takeaway food.
91. Only one commodity is permitted per licence, except where permission has been given by the Council to sell more than one. The commodity sold needs to be listed on the Council's Commodity list (refer to Appendix 3). If a particular commodity is not listed it may be possible to add a new commodity.
92. An application can be made to sell seasonal goods – these items are sold to observe certain religious festivals and may be sold provided that the items are related to the main commodity listed on the licence. Sale of these goods must not breach condition 43.

### **Stalls**

93. The Council does not provide barrows or stalls for use in the markets (except under certain arrangement in Whitecross Street). All traders must make their own arrangements to hire or purchase their own. All barrows/receptacles must be capable of being moved at a moments notice in the event of an emergency. They must be removed from the

## Street Trading Conditions and Procedures

public highway to a place of safe storage within one hour at the end of the day's trading.

94. In markets where a standard type of stall, awning and name banner is required this is expected to be adopted by the trader.

### **Prosecutions**

95. It is an offence for a street trader to:
- i. Engage in any street trading which conflicts with the terms of the licence.
  - ii. To knowingly make a false statement when applying for a street trading licence.
  - iii. To resist or intentionally obstruct any authorised officer of the Council in the execution of their duties.
  - iv. To physically or verbally abuse any member of the public, authorised officer of the Council or other persons coming in contact with them through the nature of their occupation.
  - v. Fail on demand, without, reasonable excuse, to produce the street trading licence signed and bearing the licence holder's photograph to an authorised officer of the Council or to a police officer.

### ***Routine Procedure***

#### **Allocation of Vacant Pitches**

96. Daily allocation of the vacant pitches is undertaken in the following manner:
- i. First priority is given to existing full and temporary licensees who wish to transfer from their own pitch to another within the market, normally to improve their trading position.
  - ii. Once the full licensees have completed their transfers the remaining vacant pitches are then allocated to the casual traders. Allocations are made using a points system.
  - iii. Each trader of good standing receives one (1) trading point for every day they have traded. The points are totalled at the end of each full week and are added to the traders' existing points total to create a league table. The trader with the most points is given first choice of the vacant pitches that are available, with the next and so on down the list until there are no more vacant pitches to allocate. Bonus points can be earned by supporting the Council's Fair-trade principles and green initiatives (particularly packaging and rubbish). However points can be deducted for failing to support these initiatives.
  - iv. Points cannot be carried over to the next year. They are valid only for one year. The point year is February to January

## Street Trading Conditions and Procedures

inclusive. At the start of the new year, points awarded during January are used to create the league table for the next year.

97. Only traders of good standing can participate in the daily allocation of pitches.

### **Permanent Licensees wishing to occupy additional pitches**

98. Any permanent trader is allowed to occupy the pitch next to the permanent pitch provided that the pitch is vacant after:
- i. Daily transfers have been completed and approved.
  - ii. Casual traders have been allocated.

Note: the above movements within the market will only be granted to the named licensee.

### **Late arrivals**

99. If a licensee does not take up their trading position by the required time as stated on the licence the Street Trading Inspectors are authorised to treat the pitch as vacant and may allocate the pitch to another trader if the need arises. If a licensee arrives after the commencement time it is the discretion to the street trading officer to locate them at the most appropriate pitch (even if the licensee's pitch is available). Specific dispensation needs to be granted by the Street Trading Manager to permit late arrivals.
100. Vehicles will not be permitted to stay or enter the market 45 minutes after the commencement of trading.
101. Refer to condition 56 for designated trading times for each market.

## ***Ownership of the Street Trading Licence***

### **Licence is personal to the holder**

102. A licence is granted only to the person named on it. It may not be transferred, assigned, sold or sub-let. Any such instances of the above may result in the revocation or non-renewal of the licence.
103. A trader may not hold more than one street trading licence unless otherwise agreed by the Council. The only exception is where licences have been granted under the London County Council (General Powers) Act 1947.

### **Nominated successor**

104. A licence holder may at the time of application or renewal specify the name and address of a relative who is associated with, or dependent upon, the applicant's street trading business to whom he/she wishes the licence to be granted in the event of his/her death.
105. A person shall be treated as being related to another if the person is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, grand-daughter, stepson,

## Street Trading Conditions and Procedures

stepdaughter, brother, sister, half-brother or half-sister of the applicant. These relationships are also recognised in cases of illegitimacy or adoption.

### **Assistants**

106. A street trader may employ a person to assist in the business. The street trader is responsible for ensuring the business is conducted at the stall and complies with the appropriate street trading legislation and street trading conditions.
107. It is expected that the licensee is at the stall for the majority of the working day and at least three days a week unless the licensee is ill, on holiday or buying stock.
108. If the licensee is ill or on holiday they may nominate their assistant to trade on their behalf during their absence provided that the assistant has first obtained a permit from the Council's street markets office.
109. This permit must be shown to the market inspectors daily or on demand whenever the assistant is trading and allows the assistant the same rights as a licensee for the term of the permit.

### **Transfer of licence**

110. Once a licensee has reached retirement age or is forced to retire early on the grounds of ill health, an application to transfer the licence to a nominated successor can be made. This application must be made in writing to the street Market Section. The request will be considered at a meeting of the Licensing Regulatory Committee.
111. Applications can be made in writing to request transfer of licences to named persons i.e. relatives or assistants, and to move to a vacant pitch. These applications of transfer will be considered by the Licensing Regulatory Committee.
112. When the transfer application has been approved, the new licensee is liable to pay a variation fee to the Council prior to the licence being issued (refer to Appendix 2 for a list of charges). Any outstanding payments relating to the licence must be paid in full by either the existing named licensee or by the new licensee before a new licence will be issued, unless otherwise agreed by Council.

### **Carer's Leave**

113. If a trader is unable to work as a result of providing care to a dependent, it may be possible to exempt that trader from personal trading for a maximum period of three months. The trader must apply in writing, supported by medical evidence. The Licensing Regulatory Committee considers all cases.
114. If carer's leave is granted the trader may use an assistant to run the business during their absence. In these cases the licensee is still required to pay the street trading fees. If an assistant is not used and the pitch remains vacant for the period of the carer's leave the trader may



## Street Trading Conditions and Procedures

make a request in writing to the Licensing Regulatory Committee to waive the fees.

115. If the absence exceeds three months the trader must apply in writing to the Council requesting an extension to their leave of absence. The Licensing Regulatory Committee will consider the request and may request that the trader make alternative care arrangements.

### **Payments**

#### **Street Trading fees and charges**

116. Under Section 32 of the London Local Authorities Acts 1990-2004, the Council may charge fees for the following:
- i. The granting of or renewal of a street trading licence.
  - ii. The grant of a casual/temporary licence.
  - iii. The variation of a street trading licence made at the request of a licence holder.
117. Current street trading charges are set out in Appendix 2. These are reviewed regularly by Council to ensure the administrative and other related costs incurred by Council in managing street trading are covered.

#### **Payment of full licence fees**

118. All licence fees and charges must be paid in advance.
119. Payments must be made via a standing order with a bank/building society, unless agreed otherwise by the Council. A standing order mandate form can be obtained on request from the street markets office.
120. Trader's who are four weeks or more in arrears with payments will be liable to have their licence revoked. Council will send a warning letter providing details of the outstanding payments prior to the Council taking action to revoke the licence. If a trader does not respond to the demand or pay the outstanding debt within 28 days, the matter will be reported to the Licensing Regulatory Committee.
121. Council will charge an administration fee as per Appendix 2 to follow up outstanding payments.

#### **Payment of Temporary and Casual Licence Fees**

122. Payments must be made in person to the street markets office. Temporary licence fees are payable fortnightly in advance. Casual traders must buy street trading vouchers in advance of trading.

#### **Payment by cheque**

123. The amount payable by cheque is limited to the amount shown on the cheque guarantee card required at the time of payment.
124. Where cheques are not honoured by the bank the trader may find the street trading licence revoked by Council.

### ***Requirements of other Legislation***

125. Holding a street trading licence does not exempt a trader from any other legislation, such as Acts relating to Trading Standards, Environmental Health etc (refer to Condition 6). This includes restrictions on noise such as the use of radios, CD players' etc.)
126. Traders must not cause a nuisance to other stall holders or the general public in the operation of their stall. Written complaints received by Council against a trader will be followed up in line with the enforcement conditions (Conditions 57 - 59).

### ***Complaints***

127. The Council has adopted the central and local government Concordat on Good Enforcement committing itself to following policies and procedures, which contribute to best value. Being committed to the Concordat ensures Council's Street Trading Enforcement Officers undertake their work in an equitable, practical and consistent manner to maintain a fair and safe trading environment. Council recognises that the term enforcement includes advice and education, assistance with compliance as well as licensing and formal enforcement action when required (a copy of the Enforcement Concordat is available at [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)).
128. If you are dissatisfied with the enforcement action that a Street Trading Officer has taken you can make a complaint to the Street Trading Services Area Manager. Complaints should be made in writing to:
  - Dave Fordham  
Service Manager – Street Trading  
Environmental and Regeneration Department  
The London Borough of Islington  
222 Upper Street  
London N1 1XR

The Council's complaints process is detailed at [www.islington.gov.uk](http://www.islington.gov.uk).

### ***Council Authorised Officers***

129. Assault against any employee of the Council is an offence contrary to the Criminal Justice Act 1988 and the Offences Against the Person Act 1861.
130. In addition to the statutory definition, assault can also include 'any incident in which persons are abused, threatened or assaulted in circumstances relating to their work and which constitutes an explicit or implicit threat to their safety and general wellbeing'.
131. Prosecution will be undertaken in accordance with the Criminal Procedure and Investigations Act 1996 (as amended by the Criminal Justice Act 2003) and the Attorney General's Guidelines on disclosure of evidential materials.

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132. We will comply with the Data Protection Act 1998. This includes the collection of personal data and its retention, disclosure and other processes, in particular, personal data will not be disclosed to third parties except in accordance with the provisions of the Act.

### ***Street Trading Enforcement Officer***

133. Street Trading Enforcement Officers / Market Inspectors are responsible for ensuring street trading within the Borough is implemented safely and legally. Only competent officers who have appropriate qualifications / training or experience will be authorised to take enforcement action. Officers will receive sufficient training and understanding of Street Trading in Islington and the related street trading legislation and enforcement policies to ensure a consistent approach to their work. Street Trading Managers will continually monitor the Market Inspectors through regular appraisals and reviews to ensure that their actions are always in accordance with Islington's policies.

134. Authorised officers from other council departments and the Metropolitan Police also have the power to take enforcement action when required.

135. Training and relevant updates for Street Trading Officers will be provided to ensure all authorised enforcement personnel have the skills and knowledge required to undertake their enforcement duties and to ensure all officers use a consistent approach.

136. Enforcement actions are taken in line with the Enforcement Concordat, which provides the principles for good enforcement. These are:

- Drawing up clear standards;
- Setting out the level of service and performance the public and business can expect to receive;
- Dealing with the public and the business in an open and honest way;
- Providing a courteous, efficient and helpful service;
- Responding promptly and positively to complaints about the service;
- Ensuring that enforcement action is proportionate to the risks to the public; and
- Carrying out duties in a fair, equitable and consistent manner.

137. A full version of the Enforcement Concordat is available from Street Market Section or by accessing the Cabinet Office's Website at [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk).

138. Islington officers work to the council's Customer Care Standards<sup>8</sup>, which state that officers should:

- Wear and show their official identification cards;
- Ask permission before entering any property, where applicable;
- Clearly explain the reason for the visit;
- Keep appointments when made or explain to the customer any reasons for being late or having to cancel meetings;

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<sup>8</sup> Available from Council's website [www.islington.gov.uk](http://www.islington.gov.uk)

## Street Trading Conditions and Procedures

- Let the trader know what follow up action they can expect and by when; and
  - Confirm all relevant information in writing.
139. In line with the Council's Dignity for All Policy<sup>9</sup> all officers are to treat everyone, no matter what their age, religion, sex, disability, sexuality or ethnic background fairly and with respect. It is expected that all council staff undertake regular training on diversity and equality issues and to not use any discriminatory practices when providing services.
140. Investigations will be carried out in line with the Police and Criminal Evidence Act 1984 codes of practice and agreed procedures.
141. Guidance for officers as to when the enforcement actions are appropriate will be documented in the Council's Street Trading Enforcement Procedures. All actions taken by officers will be monitored by their manager to ensure they have acted in accordance with these conditions and procedures. Only officers authorised by the Director of Environment and Regeneration may undertake the enforcement duties highlighted in these conditions and procedures. This authorisation in accordance with the Council's scheme of delegation as set out in the London Borough of Islington's Constitution.

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<sup>9</sup> Copies of Dignity for all Policy is available from the Equality and Diversity Unit – 020 7527 3241.

## Appendix 1: Trading Locations

### Market / Pitch locations

There are three council managed street markets within the Borough: Whitecross Street Market, Chapel Market and Exmouth Market. The Council also licenses a number of pitches in the Camden Passage Market.

**Chapel Market** lies between Liverpool Road and Penton Street and the street trading area includes three adjacent streets; White Conduit Street, Baron Street and Godson Street (Sunday trading only). The market has 160 designated pitches. The market is open Tuesday to Sunday with Friday, Saturday and Sunday being the busiest trading days the market is located in the heart of the Angel Town Centre. The market is a conventional street market selling a mix range of fresh produce and other personal and household items

**Whitecross Street Market** has currently undergone extensive street improvements, once completed there will be a potential for 100 designated pitches. The Market (one of the oldest markets in London) is located between Old Street and Fortune Street in the south of the borough. The market is open 10am - 3pm, Mondays to Saturdays, and is popular at lunchtime with local office workers. Although all types of goods and foods are sold within the market it is evolving into a food destination market supported by a number of festivals and monthly markets.

**Exmouth Market** has 20 designated pitches with approximately seven licensed traders, plus 20 – 30 stalls operating on Friday and Saturday managed by Blooming Markets on behalf of the Exmouth Market Traders Association. This weekly food market focuses on quality, speciality and variety. The market is located between Rosebery Avenue and Farringdon Road in the south-west of the borough. The market is open Monday to Saturday, where Friday and Saturday are the busiest trading days.

**Camden Passage Antique Market**, Council licences a number of pitches in Camden Passage on a Wednesday and Saturday to compliment the privately operated antiques / bric-a-brac market.

**Archway** pitches have been temporarily designated to continue the Archway markets due to the need to relocate the market. Long term designation is subject to Committee decision.

**Scattered Sites** – In addition to the markets, there are scattered pitches throughout the Borough selling a variety of commodities (refer to Appendix 3 for a complete list of sites).

**Arsenal Area** – In addition to the scattered pitches 17 sites are designated for trading around the Emirates Stadium. Trading is restricted to match days only. Vacancies in this area seldom arise (refer to Appendix 1 for a complete list).

## Street Trading Conditions and Procedures

### Location of Scattered Sites

<b>Street location</b>	<b>No of designated pitches</b>
Axminster Road	3
Brookside Road	2
Clerkenwell Road	1
Durham Road	1
Eburne Road	2
Elthorne Road	1
Essex Road	1
Finsbury Square	1
Freeling Street	1
Greenman Street	1
Highgate Hill	1
Holloway Road	5
Islington High Street	5
Junction Road	1
Liverpool Road	1
Penton Street	1
Salterton Road	2
Storey Street	2
Tilloch Street	2
Vine Street	1

### Arsenal Pitches

<b>Street location</b>	<b>No of designated pitches</b>
Aubert Park	2
Avenell Road	2
Conewood Street	1
Drayton Park	1
Elwood Street	2
Gillespie Road	1
Highbury Hill	2
Martineau Road	1
Monsell Road	2
St Thomas's Road	3



## SECTION 32 OF THE LONDON LOCAL AUTHORITIES ACT 1990 (as amended)

**Appendix 2: STREET TRADING CHARGES**

NOTICE IS HEREBY GIVEN under Section 32 (7) of the London Local Authorities Act 1990 (as amended) that on 1<sup>st</sup> October 2008 Islington Council determined that, from Monday 6<sup>th</sup> October 2008, the fees and charges payable by licensed street traders under Section 32 of the London Local Authorities Act 1990 (as amended) shall be as detailed below:

**LICENCE FEES****Chapel Market**

Pitch Size	Area	Per Week
8'x 3'	A	£58.50
9'x 3'	A	£64.70
11'x 3'	B	£53.20

**Daily Transfer charges**

Tues – Thurs	£3.00 per day
Friday - Sat	£8.00 per day
Sun	no charge

The above transfer charges relate to transfers from Area B to Area A, or any transfer within Area A

**Casual Vouchers & Additional pitch(es)**

Tue - Thu	£8.00 per day/ per pitch
Friday	£13.50 per day/ per pitch
Sat-	£27.00 per day/ per pitch
Sun	£8 per day per pitch

**Whitecross Street Market****Take Away Type Food**

Mon – Fri	£65.00 (Subsequent pitches £55.00)
Thur – Fri	£40.00 per pitch

**Other Commodities**

Mon – Fri	£45.00 (Subsequent pitches £33)
Thurs – Fri	£25.00 per pitch

Casual (Not Take away type foods)

Mon – Wed	£12 per day
Thur – Fri	£15 per day

**Exmouth Market**

Per Pitch Per Week

**Take Away Type Food**

Mon- Fri	£45.00
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**Other Commodities**

Mon – Fri	£31.50
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Casual (No hot Food)

£12 per day

**Torrens Street**

£6.50 per day

**Camden Passage (No longer accepting casuals)**

Wed	£20
Sat	£25
Wed & Sat	£40
Fri (if approved)	£20
All 3 days (if approved)	£55

**Scattered Sites****Angel Area****Kiosks**

£80.00 per week

**Non-Kiosk**

£77.00 per week

**Essex Road****Kiosk and Non-Kiosk**

£64.50 per week

**Nags Head & Seven Sisters Area****Kiosk and Non-Kiosk**

£77.00 per week

**Archway Area****Kiosks and Non-Kiosk**

£53.00 per week

Archway Market (Additional Report agreed at Committee)

**Miscellaneous Sites**

**£77.00 per week**

**Wells Terrace**

Finsbury Square

**£53.00 per week**

**St Agnes Wells**

Wallace Road

**£25.00 per week**

Pitches off Caledonian Road

Durham Road

**(Arsenal) Emirates Stadium Area**

(Effective 1<sup>st</sup> August 2008)

**Stalls Selling Food**

£1600.00 per annum

**Stalls Selling Non Food**

£1240.00 per annum

**Trading from Private Land (Arsenal Area)**

**Stalls Selling Food**

£780.00 per annum

**Stalls Selling Non Food**

£620.00 per annum

**SHOPFRONT LICENSES**

Area A	£14.20 per sq. metre/per week
Area B	£9.80 per sq. metre/per week
Area C	£4.90 per sq. metre/per week

**Trading from Private Land (other than Arsenal)**

	Per week
Area A	£37.40
Area B	£26.00
Area C	£12.50

**ILLEGAL TRADING**

**Removal and release of stall/goods**

£177.50 per removal

**Storage of stall and/or goods**

£59.50 per day  
(Maximum 30 days)

Specialist ad hoc Markets priced on application

**Licence Applications**

All markets and scattered pitches

Casual Registration Fee £30.00

Temporary Licence Application Fee for 6 months or less £30.00

Full Licence Application Fee 2 years or less £40.00

Full Licence Application Fee up to 3 years £50.00

**Shopfront / Private Land applications**

£100.00 per (New) application

£30.00 Renewal Fee

**New Designations**

£1000.00 Non Refundable

**Licence Variations**

Variation fee £70.00 per application

(Incl. transfer)

**Arrears/Breach of Conditions**

(Traders who fall into arrears by 4 weeks or more, or who breach licence conditions)

£25.00 per warning letter (max. 1 letter per week)

£90.00 per Committee/Officer Panel referral

**Request for Printout of Account**

Free up to 2 printouts per year

£10.00 for any additional

**Replacement Stall Card/Licence**

£5.00 per item

**Electrical Cable (Chapel Market)**

Cable £38.50 Non Refundable

PAT Testing £30 per year (compulsory)



## Appendix 3: Street Trading – List of Commodities

### Food retailing

- Fresh meat, fish and poultry
- Fruit and vegetable (to include Christmas trees, holly, ivy and mistletoe at Christmas only)
- Bread and cake
- Takeaway food
- Dairy foods
- Sweets and confectionery
- Specialised food not further defined

### Clothing and soft good retailing

- Ladies wear - (excluding footwear and underwear) including shirts, blouses, shirts, knitwear, trousers, suits, dresses, jump-suits, coats, jackets, overalls, T-shirts
- Mens wear – (excluding footwear and underwear) including shirts, knitwear, trousers, suits, coats, jackets, overalls and T-shirts
- Childrens wear – (excluding footwear and underwear) including sizes 0 – 12 years old, skirts, blouses shirts, knitwear, trousers, suits, dresses, jump-suits, coats, jackets, T-shirts, school wear
- Underwear, nightwear, beachwear and clothing accessories – including knickers, tights, bras, slips, suspenders, stockings, corsets, briefs, socks, vests, boxer shorts, thermals, leg warmers, pyjamas, night-dresses dressing gowns, beach tops, sarongs, bikinis, swimsuits, swimming trunks, hats, scarves, gloves sunglasses and umbrellas
- Footwear – including all footwear worn by women, men, children or infants, e.g. shoes, boots Wellingtons, trainers, plimsolls, slippers, espadrilles, canvas shoes, etc.
- Fabric and other soft good retailing

### Recreational goods retailing

- Sport and camping equipment
- Toys and games
- Newspapers, books, periodicals and stationery
- Photographic equipment
- Marine equipment
- Pet foods and accessories
- Travel and leather goods

### Furniture, house ware and appliances

- Furniture
- Floor covering
- Domestic hardware and house-ware
- Domestic appliance
- Recorded audio or visual

### Other personal and household good Retailing

- Pharmaceutical, cosmetic and toiletry

## Street Trading Conditions and Procedures

Antique and used goods

Garden equipment

Flowers and plants including cut flowers, plants, bulbs, shrubs, trees, artificial flowers and plants, horticultural sundries e.g. pots, plant food, seeds (to include Christmas trees, holly, ivy and mistletoe at Christmas only)

Watch and jewellery

Mobile phones, telecommunications equipment and accessories

££ stall – any goods retailing for £2 or less

## Appendix 4: Council Contacts

### Street Trading Office

Public Protection Division  
Islington Council  
222 Upper Street  
London N1 1XR  
Tel: 020 7527 3830  
Fax: 020 7527 3165  
Email: [street.trading@islington.gov.uk](mailto:street.trading@islington.gov.uk)

### Office Opening Times

Monday 9am – 1pm and 2pm – 4.30pm  
Tuesday/Wednesday – Closed  
Thursday 9am – 1pm and 2pm – 4.30pm  
Friday 9am – 1pm and 2pm – 4.30pm  
Saturday/Sunday – Closed

### Temporary events licence

#### Licensing Service

Islington Council  
222 Upper Street  
London N1 1XR  
Tel: 020 7527 3047  
Fax: 020 7527 3057  
email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)  
[www.islington.gov.uk/Business/Licences/TemporaryLicences](http://www.islington.gov.uk/Business/Licences/TemporaryLicences)

(contact required if serving or selling alcohol)

### Food Safety

#### Environmental Health

Islington Council  
222 Upper Street  
London N1 1XR  
Tel: 020 7527 3816  
Fax: 020 7527 3057  
email: [commercial.envh@islington.gov.uk](mailto:commercial.envh@islington.gov.uk)

### Noise Service

Islington Council  
222 Upper Street  
London N1 1XR  
Tel: 020 7527 3258  
Fax: 020 7527 3057  
Email: [noise.issues@islington.gov.uk](mailto:noise.issues@islington.gov.uk)

### Street Management

Islington Council  
1 Cottage Road,  
London,  
N7 8TP

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Street Trading Team  
Public Protection Division  
222 Upper Street  
London N1 1XR

Mr Mirwais Huidary

This matter is being dealt with by:  
**Houriye Dervish**

T 020 7527 3046  
F 020 7527 3165  
E [houriyedervish@islington.gov.uk](mailto:houriyedervish@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref:  
Your ref:

Date: 16 June 2016

Dear Mr Huidary,

## **BREACH OF LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)**

In April 2015 you pleaded guilty to charges of selling commodities in Chapel Market, N1, which breached the Trade Marks Act 1994 and Consumer Protection Act 1987.

In view of this I am writing to inform you that in accordance with Section 28 (1) (d) and (h) of the London Local Authorities Act 1990 (as amended), I am referring your case to the Licensing Regulatory Committee on the grounds that:

(d) you as the licence holder are on account of misconduct or for any other sufficient reason unsuitable to hold the licence;

(h) you as the licence holder have persistently failed to comply with any condition of your licence

i.e. clause 6 of the Street trading conditions which state:

'The business activity of the stall shall be undertaken in compliance with other legislation enforced by the Council or other Agencies, e.g. Health and Safety, Food Safety, Trading Standards, Fire Prevention and Highways Regulations.'

The committee will be asked to consider this case and determine whether to:

- Revoke the licence or
- Vary the conditions on the licence by attaching further conditions or
- Take no further action

You have the right to attend and address the Committee. If you decide to exercise this right you should attend the meeting which will be held on Tuesday 14 July 2015 at 4pm at Islington Town Hall, Upper Street, and N1 2UD. You may attend the meeting with a representative of your choice and call in any witnesses. If you are unable to attend and you wish to apply for an adjournment, you must notify this office in writing with the reason and accompany this with supporting evidence e.g. medical certificate in case of illness. However, I must advise you that if the committee is not satisfied with the

reasons you have given for seeking an adjournment; it may decide to hear your case in your absence.

Yours sincerely

**Houriye Dervish**  
**Street Trading Manager**

**If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.**

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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