



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
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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]