



Report of: Jan Hart – Service Director – Public Protection

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	7 December 2021		Finsbury Park

Delete as appropriate		Non-exempt
-----------------------	--	------------

SUBJECT: APPLICATION TO DESIGNATE AN AREA OF THE HIGHWAY IN BOWMAN'S MEWS, N7 6FS FOR STREET TRADING PURPOSES

1. Synopsis

- 1.1 This report deals with an application by the Council's street trading team to designate for the purpose of street trading an area in Bowmans Mews, N7 6FS, subject to consultation, see map, **Appendix 1**. The operation days and times are proposed to be: Saturday and Sunday, between the hours 9am and 5pm.

2. Recommendation

- 2.1 To pass the resolution as set out in the public notice published in the local newspaper, see **Appendix 2**.

3. Background

- 3.1 At weekends, the playground of Grafton school is used to hold a market on Saturdays and a Car Boot sale on Sundays. The market operates from about 8.30 am to 4.30 pm (approx.) on a Saturday and 10.30 am to 2.30 pm (approx.) on Sundays. Though the main entrance is on the Holloway Road side of the market, by far the majority of customers to the market use the Hercules Place gate entrance.
- 3.2 Prior to 2016 the large level of footfall in Hercules Place attracted anti-social behaviour that included unlicensed illegal street traders in Hercules Place and Bowman's Mews. Despite periodic operations by Street Trading, some traders persisted in attempting to trade illegally (despite several signs on the walls of buildings explaining the legal position). This included openly drinking alcohol, littering, spitting, urinating, dumping and in one extreme case

excrement posted through a residents letter box. Following this, Islington Council Public Protection along with local Police had a very high profile presence at weekends to deter illegal trading. This by and large has been successful while officers were present. However as soon as these operations were scaled down, illegal trading started again soon after.

3.3 In April 2016 a meeting was held between all relevant stakeholders; representatives from the market operator, the school, the police, the town centre management, councillors and public protection. At this meeting, it was agreed that a solution may be found that would be agreeable to all parties. One such solution was closing off these gates to emergency access only but the market operator was concerned that this would be detrimental to the market. The chosen solution was that the market operator run 2 or 3 stalls situated in Bowman's Mews/Hercules Place and at the same time police the area.

3.4 An area currently occupied by business parking bays was identified that could be used for this purpose (see photographs and map).

The area is approximately 4.00m x 1.00m, adjacent to the school gate along Bowmans Mews up to the first lamp post. It was hoped that by having a small number of traders located in the street overseen by staff from the market, it would help deter any illegal traders and the market operator would be able to move off any illegal traders thus relieving over stretched council resources

3.5 Since 2016 the Parking team have been kindly applying parking suspensions to the bays in the area to accommodate temporary street trading pitches but a permanent solution is long overdue.

3.6 On 28 October 2021 a public notice was published in the local newspaper stating the Council's intentions to designate the location for the purpose of street trading, see **Appendix 2**. At the same time, copies of the Council's intention were also attached to lampposts and railings near the location and emailed to all stakeholders, Police, and ward Councillors.

3.7 The Street Trading Team can report that at the time of writing, they received 4 representations as a result of the consultation process. Three representations were in favour of the designation on Bowman's Mews see **Appendix 3**, one was against due to concerns about creating a market and encouraging further illegal trading activities see **Appendix 4**.
No objections were received from the Police.

4. Financial implications:

4.1 The Street Trading Service is a ring-fenced budget with the income raised from fees and charges funding the costs associated with the Street Trading Service. It is expected that any fees as a result of the approval of this designation and the issue of any licences would offset the additional costs incurred by the council in connection with cleansing, administration and enforcement of Part 111 of the provisions of the London Local Authorities Act 1990 (as amended).

5 Legal Implications:

5.1 Section 24 of the London Local Authorities Act 1990 (as amended) sets out the procedure to be applied for a local authority to designate a street or part of a street, for street trading purposes.

If a borough council pass a designating resolution, the designation of the street shall take effect on the day specified in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed). (section 24, (3))

The borough council shall publish notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks, the first publication being no later than 28 days of the date the designation takes effect.

6 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

6.1 There are no implications in this report in relation to achieving a net zero carbon Islington

7 Resident Impact Assessment

7.1 The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding

8 Conclusion and reasons for recommendations

8.1 The London Local Authorities Act 1990 (as amended) allows for designation of a street or a part of the street for street trading purposes. Applications of this nature are considered on their merits.

The granting of this will help alleviate anti social behaviour in the area.

This designation, if approved would also support the objectives as detailed in the Street Trading Strategy 2017 – 2022, endorsed by Council Members.

Appendices

- Appendix 1 Map of proposed designation
- Appendix 2 Public Notice
- Appendix 3 Positive Representations
- Appendix 4 Representations with Concerns

Background papers:

- London Local Authorities Act 1990 (as amended)
- Street Trading Strategy 2017 - 2022

Final report clearance:

Signed by:



Jan Hart
Service Director – Public Protection

Date 29 November 2021

Received by:

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

Legal Implications
Author: Marina Lipscomb
Tel: 020 7527 3314
Email: marina.lipscomb@islington.gov.uk

Financial Implications
Author: Michael Medd
Tel: 020 7527 4229
Email: michael.medd@islington.gov.uk