

Licensing Regulatory Committee - 2 September 2014

Non-confidential minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, N1 2UD on 2 September 2014 at 4.00 pm.

Present: **Councillors:** Hamitouche (Chair), Spall and Fletcher

Councillor Mouna Hamitouche MBE in the Chair

1 APOLOGIES FOR ABSENCE (Item 1)

Apologies were received from Councillor Safi Ngongo.

2 DECLARATION OF SUBSTITUTE MEMBERS (Item 2)

There were no declarations of substitutes.

3 DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

4 ELECTION OF A VICE-CHAIR OF THE COMMITTEE (Item 4)

Councillor Spall was nominated as Vice-Chair, this was seconded by Councillor Fletcher and carried unanimously by the Committee.

RESOLVED:

That Councillor Marian Spall be appointed as Vice-Chair of the Committee for the year 2014/15, or until a successor is appointed.

5 MINUTES OF THE PREVIOUS MEETING (Item 6)

RESOLVED:

That the minutes of the previous meeting on 13 March 2014 be confirmed as a correct record and the Chair be authorised to sign them.

6 MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS OF THE LICENSING REGULATORY COMMITTEE 2014/15 (Item 7)

RESOLVED:

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

7 APPLICATION FOR A VARIATION OF A STREET TRADING LICENCE - WHITECROSS STREET, EC1 (Item 1)

The Committee noted that the applicant, Mr Peter Holmes, was present. They further noted that the objector was not present but had submitted a statement, copies of which had been circulated to the Committee and the applicant.

The Street Trading Service Manager reported the general background to the case. There had been an agreement in place for the applicant to start setting up at 7:30am but following

representations from the objector this had been pushed back to the original time of 8:00am. Eight traders, all selling food, had previously been granted licences to begin setting up at 7:00am.

The applicant, Mr Holmes, stated that many other traders prepared their food off site or had access to restaurant kitchens for preparation where as they had to prepare all of their stock on site. The Committee noted that the stall had been monitored several times and noise from clattering of trays had been noted on one of these. The applicant and his staff had been advised of the issue and no nuisance had been recorded by the Noise Team since that incident. The applicant reported that there were a number of other businesses who were on site earlier than the requested start time including a coffee shop under the objector's flat and a milk float that made a round early in the morning. The applicant had been trading from that site for nearly three years but complaints had only started in 2013. The applicant circulated a petition in support of his application. He noted that the signatories were clear that any early set up at the weekend would be unacceptable but they were happy to support 7:00am set up Monday to Friday.

The Street Trading Service Manager reported that on balance 7:00am was considered to be a reasonable set up time in an inner London area but would urge that the applicant be reminded to keep noise to a minimum as it was a residential area.

The applicant stated that he was on site almost every day and would ensure his staff were told that all noise must be kept to a minimum.

RESOLVED:

That the application from Mr Peter Holmes for a variation of his street trading licence be approved.

Reason for decision

The Committee considered all of the written and oral evidence.

Having considered Mr Bursey's representations, the Committee felt that because of the nature of the business and the preparation time involved, the variation to setting up times to 7.00am was not unreasonable 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 was 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 the applicant to keep noise levels to a minimum. The application for a 7:00am set up time Monday to Friday was considered reasonable for the preparation of fresh food

8 APPLICATION FOR A VARIATION OF A STREET TRADING LICENCE - WHITECROSS STREET, EC1 (Item 2)

The Committee noted that the applicant, Ms Bogna McAndrew, was present. They further noted that there had been no objections to the application.

The Street Trading Service Manager reported the general background to the case. Eight traders, all selling food, had previously been granted licences to begin setting up at 7:00am. The Committee noted that the Street Trading Team had no issues at all with the operation of the business.

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The applicant, Ms McAndrew, stated that they did not use a van to access the site but used trollies which created very little noise. The Committee noted that the stall served soup and as the business had no storage off site, all of the preparation had to take place on site hence the request for the amended setting up time of 7:00am.

RESOLVED:

That the application from Ms McAndrew for a variation of her street trading licence be approved.

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee felt that because of the nature of the business and the preparation involved, the variation to setting up times to 7.00am was reasonable 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 was 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.

The meeting ended at 5.00 pm

CHAIR