

Public Protection/ Street Trading  
222 Upper Street, N1 1XR

Report of: Corporate Director of Public Protection  
Meeting of: Licensing Regulatory Committee  
Date: 5 December 2022

Ward: Bunhill Ward:

## Subject: London Local Authorities Act 1994 (As Amended) Section 28 (1)

### Revocation of street trading licence - Non personal trading

#### 1. Synopsis

- 1.1. To consider the recommendation by the street trading manager to revoke licence LN/0000172944, issued to Mr Demiso Dikale in January 2022, due to non personal trading.

#### 2. Recommendation

- 2.1. To consider the recommendation of the Street Trading Manager that the licence be revoked.

#### 3. Background

- 3.1. Please refer to the Licensing Regulatory Committee report regarding this case which was submitted and postponed on 20 September 2022 (attached as exempt information)
- 3.2. Street trading have continued to monitor Mr Dikale's trading pattern since the postponement of this report (see summary attached appendix 1)
- 3.3. Mr Dikale, until recently, had not communicated with the council the reason for his inconsistent trading practices even since this case was postponed.

## 4. Implications

### 4.1. Financial Implications

- 4.1.1. 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

- 4.2.1 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 an individual who has without reasonable excuse personally failed fully to avail himself of his licence (Section 28 (1) (c)).

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 such as:

(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.

### 4.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

- 4.3.1. Committee reports need to consider the impacts that proposals will have on the environment. An impact is defined as any change to the environment, whether positive or negative, wholly, or partially resulting from Council activities. Almost all human activity has some impact on the environment, and it is very unlikely that any activity will not have any implications.

### 4.4. Equalities Impact Assessment

- 4.4.1. 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).

- 4.4.2. 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.
- 4.4.3. An Equalities Impact Assessment is not required in relation to this report, as Public Protection Division have an EIA/RIA that covers all licensing activities – including applications so not required for individual

## 5. Conclusion and reasons for recommendations

- 5.1. Whilst Mr Dikale has returned to trade his trading pattern is still not meeting the licensing requirements.
- 5.2. There is a waiting list of traders wanting to earn a living through the sale of hot foods.
- 5.3. Mr Dikale has not traded consistently since September 2020 and is clearly not dependant on the income from his market operation
- 5.4. For these reasons the Committee is invited to revoke the licence

### Background papers:

- London Local Authorities Act 1990 (as amended)

### Final report clearance:

Signed by:



**Service Director of Public Protection and Regulatory Services**

Date: 25 November 2022

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