

Licensing Regulatory Committee - 5 December 2022

Non-confidential minutes of the meeting of the Licensing Regulatory Committee held at Committee Room 3 , Town Hall, Upper Street, N1 2UD on 5 December 2022 at 6.30 pm.

Present: **Councillors:** Marian Spall (Chair), Martin Klute and Asima Shaikh

Councillor Marian Spall in the Chair

13 APOLOGIES FOR ABSENCE (Item A1)

Apologies for absence were received from Councillor Phil Graham.

14 DECLARATION OF SUBSTITUTE MEMBERS (Item A2)

None.

15 DECLARATIONS OF INTEREST (Item A3)

None.

16 MINUTES OF THE PREVIOUS MEETING (Item A5)

RESOLVED

That the minutes of the meeting held on the 20 September 2022 be confirmed as a correct record and the Chair be authorised to sign them.

**17 LONDON LOCAL AUTHORITIES ACT 1994 (AS AMENDED) SECTION 28 (1):
PROPOSAL TO REVOKE A STREET TRADING LICENCE - NON PERSONAL
TRADING (Item B1)**

The Street Trading Manager stated that the previous meeting had been postponed to allow more time to monitor Mr Dikale's attendance in the market. There was a minimum requirement to trade three days a week and Mr Dikale had not traded much since Covid. His licence was renewed in January 2022 and in the past year there had not been a great improvement in his attendance. Since the last meeting, registers had been taken and Mr Dikale had been found to have traded on 10 out of 31 days. He had not notified the Street Trading Manager that he was unable to trade during this time but when he was contacted he stated that he'd had a new baby and so had been unable to trade. There were people waiting to trade at that site and the manager was having to turn applicants away.

In response to questions, it was noted that trading hours for Whitecross Market were expected to be 10am to 5pm. However, many traders tended to leave around 3pm as the market tended to attract lunchtime trade.

Mr Dikale stated that he tended to cook the food at home and would arrive at the market about 11am to sell the food between 12 noon and 2pm. His home was a 3

minute walk away and he made the food ready to sell at 12. He had a new baby and had not attended regularly since mid November but was now attending the market. He stated that he had been present but had missed officers taking the registers as they had attended before he had arrived.

In response to questions, he stated that his older child was now in better health. If he could not attend the market himself he would need someone else to attend on his behalf. He understood that he would need to be there for five days each week as otherwise he would lose customers. He stated that he had traded five days a week for the past two weeks. He attended at 11am and left by 3 or 3.30pm.

In summary, the street trading manager stated that officers taking registers began their day at Chapel Market and she considered that they would not attend Whitechapel Street before 11am. She was concerned that Mr Dikale had not been taking the licence seriously. It was expected that traders would attend the market at 10am and five days a week, although it was acknowledged that a licence could be issued for three days a week. She would expect a street trading licence to be revoked if a trader was not fulfilling their obligation.

The Street Trading Manager and Mr Dikale left the room in order that the Committee deliberate. The Committee requested that both parties be recalled in order to question the Street Trading Manager about their options regarding deferment of the decision. During the discussion, the street trading manager stated that trade over the winter months could be unreliable as stalls were quieter after Christmas. In view of this information the Committee considered that a six month postponement would be more appropriate than three months.

In response to further questions, Mr Dikale agreed that he would attend the market early each morning so that he would not be missed by the officer taking the registrations. The Committee raised concerns about Mr Dikale's circumstances and asked that the Street Trading Manager liaise with business support and report back to a Licensing Regulatory Committee in June 2023.

RESOLVED

- a) That the application by the Council's Street Trading Manager for the revocation of the street trading licence of Mr Demiso Dikale (Licence No. LN/000017294) licensed trader at pitch number 547 in Whitecross Street Market, be adjourned to a meeting of the Committee in six months time and to be arranged for June 2023.
- b) That it be noted that Mr Dikale's continued attendance be monitored by the Street Trading Manager to ensure that he was complying with the conditions of his licence.
- c) That the Street Trading Manager request business support contact Mr Dikale to assist with any necessary support and advice.
- d) That the Street Trading Manager report back to a Licensing Regulatory Committee in June 2023.

Reasons for Decision

The Committee considered all of the written and oral evidence, including the monitoring report of the Street Trading Manager regarding Mr Dikale's street trading activity since September 2022.

The Committee noted the following:-

- a) That, whilst Mr Dikale had returned to trade, his trading pattern had still not met the required requirements.
- b) That there was a waiting list of traders wanting to earn a living through the sale of hot foods in the market where Mr Dikale traded.
- c) The register indicated that he had not been trading regularly to date.
- d) The street trading manager stated that traders were expected to be present five days a week and at least from 10am
- e) Mr Dikale was clear that, in future, he would be there every day from early in the morning.

The Committee had sympathy for Mr Dikale's problems and were willing to give him a last chance to prove that he could trade regularly, but there needed to be a distinct improvement. Mr Dikale was clear in future he would be there every day from early in the morning.

18 **LONDON LOCAL AUTHORITIES ACT 1994 (AS AMENDED) SECTION 28 (1):
PROPOSAL TO REVOKE A STREET TRADING LICENCE - NON PERSONAL
TRADING - EXEMPT APPENDICES (Item E1)**

The Committee noted the exempt appendices to the report.

The meeting ended at 7.15 pm

CHAIR