ISLINGTON

Environment & Regeneration
Municipal Offices, 222 Upper Street, London N11XR

Report of: Service Director - Public Protection

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	18 July 2016		

Delete as appropriate		Non-exempt

SUBJECT: APPLICATION TO DESIGNATE AN AREA OF THE HIGHWAY ON THE FOOTWAY OUTSIDE 67-83 SEVEN SISTERS ROAD N7 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 on the footway outside Nos. 67-83 Seven Sisters Road N7 (herein after referred to as "the location"), and effective daily between the hours of 07.00-18.00 hours.

2. Recommendation

2.1 To pass the resolution as set out in the public notice published in the local newspaper viz " to designate an area of highway on the footway outside 67-83 Seven Sisters Road N7 for street trading purposes" (Appendix 1).

3. Background

3.1 Earlier this year, The Street Trading team was approached by a local trader and the Town Centre management team to consider the possibility of establishing an area in front of 67-83 Seven Sisters Road N7 for street trading purposes. The Town Centre management team have identified this location as a possible focal point for local events at various periods throughout the year to help promote and enhance the local environment. The local fruit and vegetable trader Mr Antoniou, who occupies a site adjacent to the location, has also shown an interest in moving from his current location in Axminster Road to an area on the footpath in front of 67-83 Seven Sisters Road. A map of the proposed designation is attached as Appendix 2.

3.2 Mr Antoniou is a long established and experienced local trader, located on a busy corner of Seven Sisters Road and Axminster Road N7. In November 2015 it was necessary to relocate Mr Antoniou to

an area on the footway (with Transport for London approval) due to road works being carried out by the water authority on Mr Antoniou's pitch. When the work was completed Mr Antoniou moved back to his regular pitch.At the time, the street trading section received representations from members of the public and the police (See Appendices 3A to 3E),requesting that he be allowed to return to the area outside 67-83 Seven Sisters Road and continue trading in the area marked 'A' on the map. Another site marked area B on the map has also been identified as a location for another permanent trading pitch (see Appendix 2).

3.3 Transport for London (Ttl) are the Authority for the area as Seven Sisters Road is a 'Red Route'. This makes this road a main trunk road for vehicular traffic in London. There is also a busy bus lane and a bus stop nearby. Although has TtI has given its approval for street trading activities to take place at the location (see Appendix 4, paragraphs 7 & 8), however the following concerns were raised during consultation;

- The parking of trader vehicles whilst loading and unloading and has stipulated that any trading activity at the location must not interfere with the bus stop, the bus lane and persons using the buses.

- Possible obstruction caused by the setting up and taking down of the stalls by the traders; it has sought reassurance that there will be clear and unobstructed access to the bus stop and bus lane at all times and that no loading or unloading will take place from Seven Sisters Road.

- Possible damage to the fabric of the footpath: this includes the trees ,tree pits and any other street furniture. Ttl has stipulated that boards or similar must be placed under any temporary structures to ensure no damage is caused by the street traders. It has been agreed that the street trading pitch dimensions will not exceed 8.00 x 2.00 metres located between the Telephone Box and the 2"d tree (area marked A on the map). From the 2"d tree there will be a gap for access to shops and businesses of 6.00 metres.Then another trading area (marked B on the map) from a post 6.00 x 2.00 metres. There will be 5.00 metres clear access from the kerb to the stall.

TtL has been given an assurance that any licence issued to trade at these pitches will include additional conditions to take in to account all the concerns raised by TtI (as mentioned above). It is also intended that trading pitches will be clearly marked out as per the agreed locations and dimensions, and that any waste generated by the traders will be stored away from the trading area and disposed of in an appropriate manner via a daily collection by the Council's waste collection team, thereby keeping the area clean and clear of litter at all times when trading .

3.4 Formal consultations were carried out with ward councillors (see Appendix SA), police (see Appendix 38), cleansing services and public realm (see Appendix 58).

3.5 On 3 March 2016 a public notice was published in the local newspaper for one week, stating the Council's intentions to designate the location for the purpose of street trading (Appendix 1). At the same time copies of the council's intention were also attached to lampposts in and around the location.

3.6 The Street Trading Team can report that at the time of writing, they have received no objections as a result of the consultation process. The deadline date was 31 March 2016.

4. Implications

4.1 Financial implications:

The Street Trading Account should break even each year and any shortfall would be met from compensating savings within this account.

The fees received as a resut of the approval of this designation and the issue of the licence would help offset the additional costs incurred by the council in connection with cleansing, administration and enforcement of Part 111 of the provisions of the London Localauthorities Act 1990 (as amended).

4.2 Legal Implications:

Section 24 of the London Local Authorities Act 1990 (as amended) set 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.

5. Conclusion and reasons for recommendations

5.1 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. If granted, income generated from the rental of the site is credited to the street trading account.

Appendices

- Appendix 1
- Appendix 2
- Appendix 3A, 3B, 3C, 3D & 3E.
- Appendix 4
- Appendix 5A & 5B.

Background papers:

- London Local Authorities Act 1990 (as amended)

Final report clearance:

Signed by:

Service Director – Public Protection Date 4th July 2016

Received by:

Head of Democratic Services Date

Report Author: Steve Galvani
Tel: 020 7527 4245
Fax: 020 7527 3165
Email: steve.galvani@islington.gov.uk

Appendix 1

PUBLIC NOTICES

Legal and Public Notices

PUBLIC NOTICE OF AN APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003

Notice is hereby given that an application was made to the Hackney Council to vary a premises licence under the above Act on 1st March 2016. Applicant: Kosher Wine Cellar Limited. Address of premises: The Wine Cellar, 198 Stamford Hill, Hackney, London, N16 6RA. Proposed variation to the licensable activities: 1. To Extend the hours for the Sale of Alcohol (For Consumption off the Premise) to 08.00-24.00 Hours Monday to Sunday. The postal address of the Licensing Authority where the register is kept and the application may be inspected is: *Licensing Service, London Borough of Hackney, 1 Hillman Street, London, E8 1DY. Any person wishing to make representations on this matter shall give notice, in writing, stating the nature and grounds for making such representations to The Licensing Officer at the above address* within 28 days of the date of this notice – by the 29th March 2016. Further information is available on the web site www.hackney.gov.uk following the links.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in or in connection with an application and the maximum fine on summary conviction of such an offence is £5000.

Lockett & Co – duly authorised agents

Massage / Special Treatments Licence

Notice is given that Banu Ates has applied to the London Borough of Hackney for Massage / Special Treatment Licence for the premises Design Room, Hair Salon, 189 Mare St. Hackney E8 3QE.

Anyone wishing to oppose the application must give notice, in writing, to the Licensing Service Manger, London Borough of Hackney, 1 Hillman Street

ISLINGTON

SECTION 24 – LONDON LOCAL AUTHORITIES ACTS 1990-2004 (AS AMENDED)

NOTICE OF INTENTION TO APPLY TO DESIGNATE A STREET FOR LICENSED STREET TRADING

Notice is hereby given that it is the intention of Islington Borough Council's Street Trading Section within the Public protection Department, to apply to the Licensing Regulatory Committee to pass a resolution in the following terms:

The designation, for street trading purposes, of the area on the footway outside 67-83, Seven Sisters Road, London N7 6BU, every Monday to Sunday from 07:00 hours to 18.00 hours.

It is proposed that the Council's Licensing Regulatory Committee meeting on Monday 16 May 2016 at 4.00pm in Islington Town Hall, Upper Street, London N1, will consider this application. Anyone wishing to object to the application must give notice within four weeks of this publication, any person to whom notice is given, any person who uses the said highway and any other person who would be aggrieved by the making of the Order to which this application relates, shall have a right to be heard.

Dated this Thursday 3 March 2016
HOURIYE DERVISH
Street Trading Manager
Islington Council
Public Protection Division
222 Upper Street
London

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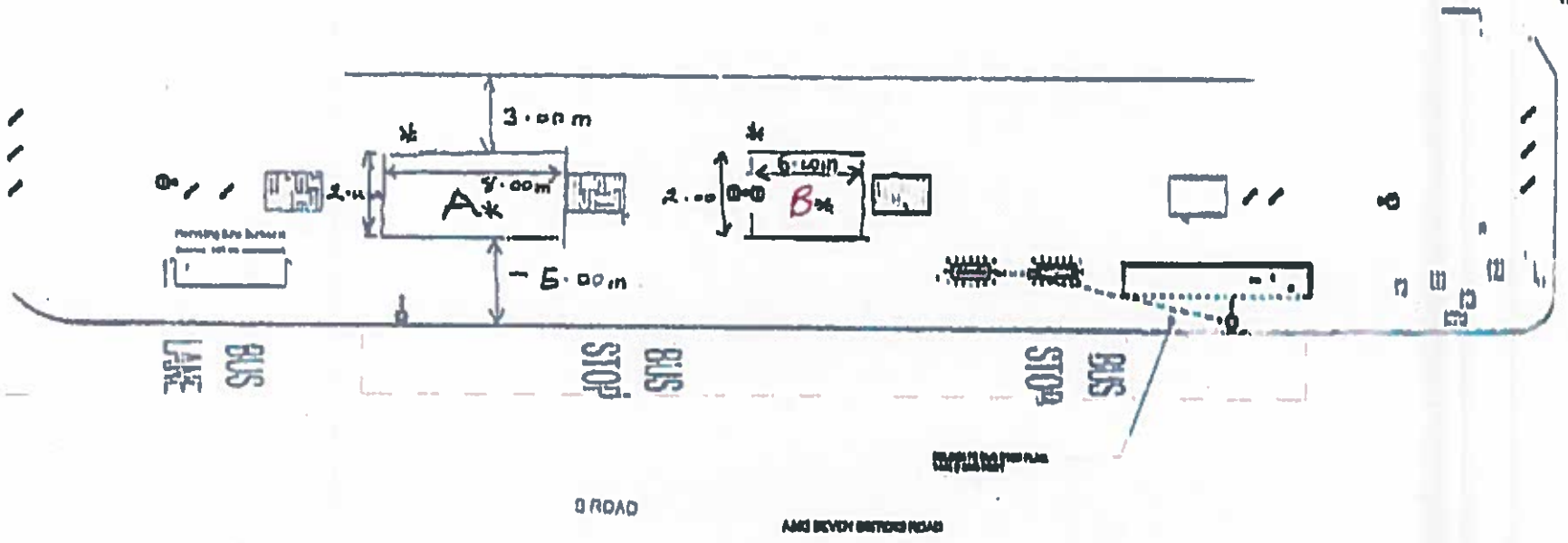
Appendix 2

STREET TRADING DESIGNATION – PROPOSAL. 2016.

67 – 83 SEVEN SISTERS ROAD N.7.

A = FRUIT + VEG TRADER

B = OTHER TRADER



* TO BE MARKED OUT

PAVEMENT TO BE PROTECTED FROM DAMAGE ETC.

MAY 2016.

Appendix 3 A

Galvani, Steve

From: Angus.Marshall@met.pnn.police.uk
Sent: 05 November 2015 12:16
To: Crawford, Jenny
Cc: george.A.Tsendis@met.pnn.police.uk
Subject: Charlie Antoniou - Fruit Stall Seven Sisters Road

Dear Ms Crawford,

I am writing regarding the fruit stall of Charlie Antoniou. His stall is currently located on the pavement of Seven Sisters Road, outside of the 99p Store. His stall used to be located on Axminster Road.

Finsbury Park Neighbourhood Policing Team are in support of Mr Antoniou remaining at his current location on Seven Sisters Road. The reasons for this I have outlined below:

- Mr Antoniou is a valuable member of the local community and has worked on a fruit stall in the area for 28 years;
- The current location of the stall is a positive addition to the local environment and provides colour and vibrancy to Seven Sisters Road;
- The location will help reduce crime in the area as it fills a large empty space on the pavement and will stop individuals hanging around;
- The Nags Head area has a strong identity regarding markets and food stalls, Mr Antonoiou's stall forms a major part of this tradition;
- The Greek Chirch with their elderly congregation who have known Mr Antonoiu for 20 years go to him with their concerns about the local area;
- His former site on the corner of Axminster Road creates a risk of danger to the public, as customers have to stand in the road to be served.

Please just let me know if you need any further information.

Kind regards,

Angus

Angus Marshall | Designated Ward Officer for Finsbury Park

London Borough of Islington (NI)

Telephone: 0203 276 30330 | E-mail: angus.marshall@Met.Police.uk

Mail: Holloway Police Station, 284 Hornsey Road, London, N7 7QY

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

Appendix 3 B

Galvani, Steve

From:	Richard.Padwell@met.pnn.police.uk
Sent:	12 November 2015 13:15
To:	Crawford, Jenny
Cc:	george.A.Tsendis@met.pnn.police.uk; Angus.Marshall@met.pnn.police.uk
Subject:	Charlie Antoniou - Fruit Stall Seven Sisters Road

Jenny
I fully support PC Marshall's request (for the reasons set out by PC Marshall) and would be grateful if you could forward this onto whoever will be making the decision as to whether he can be allowed to move his store.
Regards
Richard Padwell.

Richard Padwell I Inspector I East Cluster, Safer Neighbourhoods
Tel 020 8345 1541 | Metphone 21541 | **Mobile** 07785 971002 **E-mail:** richard.padwell@met.pnn.police.uk | **Address** Holloway Police Station, 284 Hornsey Road, London, N7 7QY.

Web: http://cms.met.police.uk/met/boroughs/islington/index
Follow us on Twitter www.twitter.com/MPSIslington [@MPSIslington]

***Total Policing:** One Team. One Mission.*

---

ndis george A - NI
ovember 2015 12:21
ll Richard J - NI
FW: Charlie Antoniou - Fruit Stall Seven Sisters Road

fyi

Best Regards,

George Tsendis PCSO 7128 NI

East Cluster Neighbourhood Policing Team
New Safer Neighbourhood Base -
Holloway Fire Station, Ground Floor
262 - 268 Hornsey Road
London
N7 7QT

T:0203 276 3030
M:07717432750

Follow us on Twitter @MPSInslington

Email: George.tsendis@met.police.uk

NI-NPTEast@met.police.uk

www.met.police.uk/saferneighbourhoods

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shall Angus - NI
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.Crawford@islington.gov.uk'
s george A - NI
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- His former site on the corner of Axminster Road creates a risk of danger to the public, as customers have to stand in the road to be served.

Please just let me know if you need any further information.

Kind regards,

Angus

Angus Marshall | Designated Ward Officer for Finsbury Park

London Borough of Islington (NI)

Telephone: 0203 276 30330 | E-mail: angus.marshall@Met.Police.uk

Mail: Holloway Police Station, 284 Hornsey Road, London, N7 7QY

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Appendix 3C

ΙΕΡΟΣ ΝΑΟΣ ΑΓΙΟΥ ΑΝΤΩΝΙΟΥ ΤΟΥ ΜΕΓΑΛΟΥ ΚΑΙ ΑΓΙΟΥ ΙΩΑΝΝΟΥ ΤΟΥ ΤΙΜΙΟΥ ΠΡΟΔΡΟΜΟΥ

GREEK ORTHODOX CHURCH OF ST ANTHONY & ST JOHN THE BAPTIST

Ms Jenny Crawford
Islington Council Trading Standards
Upper St
London N1 1XR

9th December 2015

Dear Ms Crawford

Re: Fruit Stall in front of the Drapery shopping arcade on Seven Sister's Rd

Many of our elderly parishioners regularly shop at the fruit stall that was formerly on the corner of Axminster St. and Seven Sister's Rd. The parish council was glad to see the stall moved on to the pavement, as it is far safer for our parishioners and others to hover around the stall without being exposed to moving car traffic. We write to encourage the Islington to make this permanent, not only on the grounds of road safety but on the whole look and feel of the area too.

Yours sincerely

Tom Kasapis
Trustee

Cc George Tsendis (Police Community Support Officer)

Registered Charity No. 1091128

1 Sussex Way, Holloway, Islington, London N7 6RT - Tel/Fax (020) 7281 0407 - E-mail: stanthony@orthodox.fsnet.co.uk

Appendix 3 D

Galvani, Steve

From: Shaikh, Asima
Sent: 27 December 2015 17:57
To: Hart, Jan; Courtie, Pete
Cc: Williams, Dawayne; Mcnamara, Katherine; Heather, Gary; Crawford, Jenny
Subject: FW: Ref Fruit Stall outside Peacock's on Seven Sisters Road.-Charlie Antoniou

Hi Jan and Pete

I wasn't sure who to forward the email below to. It is from George Tsendis, our local PCSO. He rang me last week to raise the issue that there was some concern that the market stall holder who is now on the wide pavement on Seven Sisters road (he used to be on Axminster road) is being asked to return to Axminster road after being informed that he could stay on the pavement.

Would it be possible to find out why it is not possible for him to stay on the pavement? Personally I think that him moving to the pavement is an improvement (I walk past this area often). He has been in the area for a long time and I would have thought that the relocation would improve pedestrian safety and improved access for wheel chair users.

Do we know whether we planned a mini market in this area as part of our town centre development plans for this part of the Nags Head?

Also, I understand that he is being asked to move back to Axminster road on 1st Jan. Could this be postponed until we have had a chance to look into this matter in more detail.

Thank you
Kind regards
Asima

Cllr Asima Shaikh
Executive Member for Economic andCommunity Development
Councillor for Finsbury Park ward

Sent with Good (www.good.com)

-----Original Message-----
From: george.A.Tsendis@met.pnn.police.uk [george.A.Tsendis@met.pnn.police.uk]
Sent: Monday, December 21, 2015 11:57 AM GMT Standard Time
To: Shaikh, Asima
Cc: Angus.Marshall@met.pnn.police.uk
Subject: Ref Fruit Stall outside Peacock's on Seven Sisters Road.-Charlie Antoniou

Dear Councillor,

The above has had a fruit stall on Seven Sisters Road N7 for the past 28 years and when the original license was approved his stall was located on the pavement where it's currently located

although over the years he was asked to move and locate his stall at the corner of Axminster Road N7 near the junction of Seven Sisters Road N7.

Over the past 12 years I have known Charlie, his been seen by the community as someone who is hard working and most of all very community spirited and very helpful with the elderly customers who shop on a regular basis and on a few occasions I gave been asked with families who have family members who are on wheel chairs that they find it difficult to shop standing or parking on Axminster Road with cars passing by.

So when the stall holder was asked to move onto the pavement a few months ago to allow repairs to be carried out on the road most of the customers were very happy and also the police supported the idea that he should stay there more permanently and was supported by Insp.Padwell as he felt that crime along the location would be reduced as the presence of the stall would deter criminals from visiting the area. Also the local church supported the stall being there because of concerns of the elderly congregation who attend the church and also use the opportunity to do a little shopping when they visit the area.

Finally the idea was also supported by Jenny Crawford (Street Trading Mngr) for Islington Council and she visited the above stall holder to support his claim to get him to stay there. On Saturday 19/12/15 I received a call from Charlie Antoniou telling me that Jenny Crawford had visited him and told him that he would need to move back to Axminster Road by the Ist January 2016.

Can we try and get together and hopefully try to resolve his matter as feel it's only a matter of time before someone who is elderly or disabled in a wheel chair will get hurt by oncoming traffic.

Best Regards,

George Tsendis PCSO 7128 NI

East Cluster Neighbourhood Policing Team
New Safer Neighbourhood Base -
Holloway Fire Station, Ground Floor
262 - 268 Hornsey Road
London
N7 7QT

T:0203 276 3030
M:07717432750

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Email: George.tsendis@met.police.uk

NI-NPTEast@met.police.uk

www.met.police.uk/saferneighbourhoods

Appendix 3E

Galvani, Steve

From: Heather, Gary
Sent: 03 March 2016 12:22
To: Shaikh, Asima; Galvani, Steve
Cc: Heather, Gary
Subject: RE: Street Trading Designation Seven Sisters Road N7

Steve,

Thanks.

Nothing to add to Cllr Shaikh's comments.

Regards,

Cllr Gary Heather

Sent with Good (www.good.com)

-----Original Message-----
From: Shaikh, Asima
Sent: Thursday, March 03, 2016 11:59 AM GMT Standard Time
To: Galvani, Steve; Heather, Gary
Subject: RE: Street Trading Designation Seven Sisters Road N7

Dear Steve

Thank you for your email. My only initial comment is the trading space marked out near the bus stop. I feel that this part of the footway may get too congested and that we may need to have a look at making sure that there is space for pedestrian space.

I think that spaces A and B are fine.

My only overall comment is that we need to make sure that we allow for the free flow of pedestrians.

Also, have we consulted with our local police in terms of their views on community safety issues that may arise with a busier pavement?

Many thanks
Kind regards
Asima

Cllr Asima Shaikh
Executive Member for Economic and Community Development
Councillor for Finsbury Park Ward
Mobile: 07702 974183

From: Galvani, Steve
Sent: 03 March 2016 11:36
To: Heather, Gary; Shaikh, Asima
Subject: FW: Street Trading Designation Seven Sisters Road N7

Dear Councillors

As part of the consultation process to designate an area in Seven Sisters Road N7 for Street Trading purposes I have attached to this email the public notice that is being published today in the Islington Gazette.I have also attached a map to assist you.
I invite you to make any comments or observations as part of this process.

Regards
Steve Galvani
Shop Front Licensing & Enforcement Officer

Street Trading Team
Public Protection
Environment & Regeneration
London Borough of Islington
Municipal Offices
222 Upper Street
London N1 1RX

My email steve.galvani@islington.gov.uk
Alternate email street.trading@islington.gov.uk

My direct line: **020 7527 4245**
Alternate Phone: **020 7527 3830**

Web site: www.islington.gov.uk

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Appendix 4

TRANSPORT FOR LONDON
FORMAL RECORD OF THE DISCHARGE OF DELEGATED AUTHORITY

SUBJECT: **Street Trading Designation – 67 to 83 Seven Sisters Road**

DATE: **1st July 2016**

DIRECTOR: **Dana Skelley – Asset Management Director**

---

1 PURPOSE AND DECISION REQUIRED

1.1 This paper records TfL's formal decision as highway authority to an application made by a London Borough Council to designate part of the Transport for London Road Network (TLRN) for street trading purposes.

2 BACKGROUND

2.1 The London borough of Islington has published proposals to designate part of the North West footway of the A503 Seven Sisters Road, for street trading purposes. The proposal relates to the footway outside Nos 67 to 83, a distance of some 65m.

2.2 The footway here is relatively wide at about 10m. It is paved in artificial stone flags, contains four mature trees, street and footway lighting columns, a bus stop and shelter, public seating, cycle stands, a telephone call box, legible London wayfinding signs, litter bins, a CCTV mast and a traffic direction sign.

2.3 The carriageway fronting the area is subject to 'no stopping at any time' controls and a Bus Lane with operational hours of 7am to 7pm Monday to Saturday.

2.4 Observation shows that in the area subject to the proposed designation, street trading does already take place to a limited extent.

2.5 Street trading can add to the vibrancy and economic viability of an area as well as give an opportunity for the development of small businesses.

3 STATUTORY POSITION

3.1 Street trading in London is regulated by the provisions of Part III of the London Local Authorities Act 1990 (the Act) unless predecessor statutes not rescinded by the Act, royal licence, bylaws or the like prevail. All London authorities participated in the Act with the exception of the Camden Borough Council and the City of London.

3.2 Section 14 of the Act enables participating councils to designate streets within which street trading may be licensed. S14(5) requires the prior consent of the

highway authority to any such designation. It follows that since TfL was established in July 2000 any designation related to the TLRN is subject to TfL's prior consent.

3.3 As borough councils may be called to demonstrate that TfL has in fact given prior consent to any designation, those decisions must be appropriately taken and duly recorded.

4 PROPOSALS

4.1 The borough council proposes to designate the whole footway outside 67-83 Seven Sisters Road for street trading purposes from 7am to 6pm on every day of the week.

4.2 Licencing would then be subject to council's standard licencing conditions which are attached as appendix A.

4.3 The borough council propose to designate the whole area, but have agreed limits to where traders may operate in consultation with TfL.

5 CONSIDERATIONS

5.1 The area subject to consideration has been relatively recently paved and furnished following the principles established in Streetscape Guidance. The footway is considerably wider than others in the general vicinity, creating something of a 'haven' in otherwise somewhat cramped conditions.

5.2 In pursuance of its statutory duty to protect public rights TfL opposes the creation of permanent structures on the highway in favour of receptacles being removed at the end of each trading session, then leaving the area clear and unobstructed.

5.3 Within the proposed street trading hours the carriageway is subject to 'no stopping at any time' controls and a bus lane (except for Sundays). Servicing of individual pitches would inevitably be undertaken from the footway, potentially conflicting with pedestrian movements during set up and down.

5.4 With carriageway being unavailable for set up and down at the start and end of each trading session, it could be anticipated that the slab paved footway may be traversed by motor vehicles, which is likely to accelerate its deterioration and increase TfL's maintenance liability, unless local licence conditions dictate otherwise.

5.5 Given that TfL have no powers to influence street trading activity post designation, nor an ability to withdraw consent once given, any conditions it might want must be negotiated as a prior condition of granting its consent.

5.6 Discussions have been undertaken between TfL (AMD & EOS) and Islington street trading and assurances have been given that address the above concerns.

6 FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications for TfL, but see 5.4 above.

7 RECOMMENDATION

7.1 On balance it is recommended that the application is agreed, subject to trading being limited to two pitches, each with a maximum surface area of 8m x 2m set back from the kerb line by 5m and licence conditions including the following.

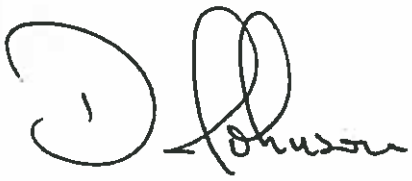
(a) No loading or unloading will take place from Seven Sisters Road.

(b) All receptacles and other equipment to be removed from the highway at the end of each trading session.

8 Recommendation Approved by Dave Johnson

Highways Manager

Signed



Email: Dave.Johnson@TfL.gov.uk

ISLINGTON

LONDON BOROUGH OF ISLINGTON

STREET TRADING CONDITIONS AND PROCEDURES (MARKETS AND SCATTERED SITES)

London Borough Islington
Street Trading
Public Protection
222 Upper Street
London
N1 1XR

P: 020 7527 3830
E: street.trading@islington.gov.uk
W: http://www.islington.gov.uk/business/regulations/licences

CONDITIONS **3**

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Conditions

Introduction

1. The London Borough of Islington's vision for markets is to create a dynamic street trading and market experience that is diverse and vibrant adding value to the economic, social and cultural fabric of Islington. The recently developed Street Trading Strategy provides a number of objectives to implement to ensure the continued success of the markets.

2. All forms of street trading are controlled by a number of acts of Parliament, the principal act being the London Local Authorities Acts 1990-2004. The control of street trading is the responsibility of the local authority. Trading licences are issued under the regulations set within 'the Act'. Street Trading Officers check licences daily and unlicensed traders may be prosecuted for trading illegally.

3. A trader is responsible for the management of the licensed area governed by the conditions of the licence. The following document provides conditions applicable to all street trading licences and procedures guidelines to assist traders develop a positive market experience. This document does not cover the conditions and procedures governing trading from shop fronts or private land, this is dealt with in a separate document.

Street Trading Licence Conditions

4. These Conditions remain in force with effect from 1 January 2008 and apply to all street trading licences issued under the London Local Authorities Acts 1990-2004.

Definitions

5. The following expressions will have the following meanings assigned as determined by the Act 1990 (Part III, Section 21(1) as amended) unless otherwise stated.
   i. **'The Act'** – the London Local Authorities Acts 1990-2007.
   ii. **'Advertisement'** means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for the display of advertisements, and shall be construed accordingly.
   iii. **'Assistant'** means a person employed by and acting under the directions of a trader to assist him/her about the business of the stall, and whose name and address has been notified to 'Council'.
   iv. **'Awning'** means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.
   v. The **'Council'** means the London Borough of Islington.
   vi. **'Fixed Penalty Notice'** may be given under section 15 (fixed penalty offences) of the London Local Authorities Act 2004 (part 4)

by an authorised officer in respect of any offence set out in schedule 2 of the Act. The officer may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty in accordance with Schedule 2 of the Act.

vii. **'Goods'** means any goods, wares or merchandise for sale or stored at a stall.

viii. **'Licensed street trader'** means any person who is licensed for street trading under part III of the London Local Authorities Act 1994.

ix. **'Licensed street trading pitch'** means a pitch in any street authorised as a place at which street trading may be engaged in by a street trader, and includes any temporary alternative place approved by the Council.

x. **'Premises'** means a shop, house or block of flats immediately behind a licensed pitch.

xi. **'Receptacle'** includes a vehicle or receptacle and any basket, bag, box, vessel, stand, stall, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or the display of any article or thing or equipment used in the provision of any such service.

xii. **'Refuse'** includes any waste material.

xiii. **'Stall'** means any structure used by a trader for the display of goods, or in connection with his/her business, and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of a stall business. This also includes rubbish created as a result of the business.

xiv. **'Stall limits'** means the authorised ground markings defining the area within which the stall is to be contained.

xv. **'Street trading'** shall have the meaning ascribed in Section 27 (1) of the London Local Authorities Act 1994. A licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years.

xvi. **'Specified proportion'** means such proportion, applicable in all cases, as may be determined for the purposes of this section by the borough councils acting through the joint committee

xvii. **'Temporary licence'** means a licence granted under the Act valid for a single day or for such period as may be specified in the Licence not exceeding six months.

xviii. **'Temporary licensee'** means a licence holder who is on a six month probationary period.

xix. **'Us'** and **'we'** mean the London Borough of Islington's Street Trading Section.

xx. **'You'** means the trader or person named as the holder of this licence authorising street trading from a licensed pitch. Where a licence is held in more than one name, 'you' means each person named and applies to each person both individually and collectively. 'Your' shall be read in this context.

xxi. **'Your pitch'** means the pitch(es) identified in this licence.

Licence compliance

6. The business activity of the stall shall be undertaken in compliance with other legislation enforced by the Council or other Agencies, e.g. Health and Safety, Food Safety, Trading Standards, Fire Prevention and Highways Regulations.
7. The licence is the approval to trade under the Act. It does not constitute any other approval that a trader might need, under bye-laws, regulations or other enactments.
8. Council may vary the conditions of this licence or attach additional conditions at any time.
9. Where Council provides its approval under this licence, it may attach any conditions or restrictions that are deemed reasonably appropriate.
10. If you wish to vary any of the licence terms or conditions you must make it in writing to Council.

Use of this Licence

11. This licence is for your sole use. You may not assign it to anyone else. You shall produce your licence, which must be carried at all times when trading, if requested by an authorised officer of the Council or Police Officer.
12. You must at all times display a display card supplied by the Council, indicating the licence and pitch number, name and photograph of licensee, location and size of pitch, market and commodities sold.
13. The display card must be kept and permanently exhibited on the stall whilst trading is taking place.
14. Trading may only take place on the days and during the times specified on the licence.
15. If alcoholic drinks are consumed or sold at a licensed site, you will need to be able to produce when requested the appropriate Licences to an authorised officer of the Council or the Police.
16. Naming and displaying your business name must comply with the Business Names Act of 1985.

Stall Requirements

17. You shall only trade from the location which is indicated on your licence.
18. The trading area shall not be larger than the size stated on your licence and any stall limits marked on the ground.
19. You shall only use those receptacles stated on your licence which have been approved by us. All goods and containers (except refuse containers used for waste) or other articles need to be contained within the licensed pitch area and not extend outside.
20. The stall needs to be easily and immediately removed in the case of an emergency. You or your assistant must remove the stall and goods for

as long as required in the event of an emergency, or when requested by an authorised officer of the Council or Police Officer.

21. The roof, awning, any supports or suspended goods are required to be at least 2.6m (8'6") above the ground and contained within the pitch area, unless agreed to by us.

22. The stall and goods are to be removed from your pitch to your nominated storage area, as stated on the application form or agreed in writing by us, **within one hour of the cessation of the day's trading** (i.e. the time shown on your licence to end trading for that day),

23. Stalls not removed at the cessation of trading may be removed by us to a place of storage. We will have the right to recover from you any costs incurred by us in removing and storing your stall.

24. Stalls or accessories must not damage the carriageway or footway.

25. No advertisement shall be displayed on your pitch which relates to any goods, commodities or services apart from those being offered for sale from your pitch.

26. The design and appearance of the stall and display will require the written approval from the Council in advance of the licence being granted. The design of the stall that is approved shall be so maintained thereafter.

27. The operation of your stall must not cause a nuisance to other traders or the general public.

Electrical requirements

28. All electrical power supplies will require approval by us prior to installation. All electrical wiring and components shall comply with the basic London Electricity Board specification and be earthed and insulated accordingly. Electrical power shall only be used for the purpose of lighting and the operation of electrical scales and tills, or other agreed services.

29. You will be held liable for any damage to any electrical installation provided by Council if it is shown that the damage was caused by your actions or neglect.

30. You may only run electric cables for lighting or other agreed services between your stall and other stalls or premises. Any electrical connections shall be easily detached and the detailed arrangements agreed with us. Electrical cables hung over the public highway will require a minimum clearance of 2.6m (8'6") from the footway surface and 5.6m (18'6") from the carriageway surface.

31. Heaters or heating equipment (e.g. braziers) must be located in the trading area to ensure the safety of the public. The position of the heaters in relation to other goods or materials must be agreed to by us.

32. If using a mobile electrical generator they must be positioned so that:

    i. they are not a danger to the passing public;

    ii. they are not a fire hazard to the stall or goods;

iii. they do not create a noise of fume nuisance; and

iv. the inflammable fuel is stored away from the stall in London Fire Brigade approved containers.

Refuse

33. You are responsible for all refuse arising as a result of your activities. All material is to be placed in a covered container provided by you (unless provided by us or an approved agent of us) exclusively for refuse collection. These containers are to be kept clean.

34. Refuse containers are to be emptied whenever possible into any vehicle, container or compactor provided by us for that purpose.

35. In keeping with the Council's environmental sustainable initiatives you are to support the following practices where practical:

    i. Keep packaging of goods to a minimum or use recycled packaging where possible;

    ii. Keep the use of non-recyclable carrier bags to a minimum;

    iii. Compost food waste in line with the Council's policy of composting;

    iv. Recycle all refuse where appropriate in line with Council's policy.

Product

36. You must be aware of the relevant legislation relating to your goods, commodity or service. You will be required to complete the Council's Street Trading Best Practice Certificate within six months of a licence being issued or renewed.

37. In line with the Trade Description Act 1968 you are not to make any statements about the goods, commodity or service offered for sale which is false or misleading.

38. Only the goods specified on the licence may be sold on your pitch.

39. If you are selling food you will need to comply with the requirements of the Food Hygiene (Market, Stalls and Delivery Vehicles) Regulations 1966 (as amended).

40. All goods or commodities sold by weight or number shall indicate the unit of quantity in which they are being offered for sale. Metric measurements are to be used for all weights and measures, imperial measurements may only be used for supplementary information. If you offer a service you need to make clear the nature and cost of that service.

41. You are licensed to have only one class of commodity (e.g. fruit and vegetables, or clothing, or haberdashery and compatible commodities).

42. You must notify us immediately, in writing, of any change of address or addresses at which the stall and perishable goods are stored.

43. You must not sell or distribute political or religious material designed to incite hatred, weapons and explosives, any pornographic material, illegal

substances or counterfeit goods. Failure to comply with this condition will result in the immediate seizure of all goods and may result in revocation of your licence and prosecution.

Terms of Operation

Attendance

44. You shall be in personal attendance on your pitch for the majority (at least 50 per cent) of the working day, apart from absences for illness or holidays.
45. You must attend and trade for a minimum of three days each week.
46. You may **NOT** enter the market with a vehicle to remove your goods or stall until the end of the official market trading day or at a time agreed to in writing by us.

Trader information

47. When applying for your street trading licence you must provide three full face passport size photographs. One of the photographs will be attached to the licence and must be carried by you at all times whilst trading is taking place. The second photograph will be retained for official use. The third photograph will form part of the stallcard.
48. You must give all reasonable assistance to an authorised officer of the Council carrying out their duties.
49. You must notify us, in writing, the names and change of addresses of any assistant(s) employed by you to operate the stall.
50. You will need to provide evidence of kinship where a licence is to be transferred on that basis.
51. You must have a minimum of £2 million third party insurance.
52. You must pay your weekly licence fees by standing order with your bank/building society and must maintain these payments throughout the term of the licence, unless otherwise agreed by us. Payment by cash is no longer accepted.

Customer Service

53. Under the provisions of the Consumer Protection Act 1987 you shall not mislead the public about their legal rights, either verbally or by displaying incorrect signs (e.g. no goods exchanged, no refunds given).
54. You must ensure that you and your staff are competent, courteous and helpful and ensure all members of the general public are treated fairly and with courtesy. The Council does not tolerate abuse of any sort. Any complaints of serious abuse of any nature against Council officers, other street traders or members of the public may be regarded as grounds for revocation of a street trading licence.

Market Trading

55. You are to be in position, goods displayed and contained with the pitch, to commence trading from your stall by no later than the commencement times listed below. If your pitch is not utilised by you at commencement of trading we may re-let the pitch for the day.

56. Hours of commencement and cessation may be varied, in individual cases with prior written consent by us.

Market/area[1]	Days of trading	Commencement of trading	Cessation of trading
Chapel[2]	Tuesday to Sunday	9am Tuesday to Saturday 8.30am Sunday	6pm Tuesday to Saturday 4pm Sunday
Whitecross	Monday to Saturday	10am Monday to Saturday[3]	5pm Monday to Saturday
Exmouth	Monday to Saturday	9am Monday to Saturday	6pm Monday to Saturday
Camden Passage	Wednesday and Saturday	7am Wednesday and Saturday	3pm Wednesday and Saturday
Camden Walk	Sunday		
Archway	A private market until September 2007 – future location and designation subject to Licensing Regulatory Committee decision.		
Torrens Street	The area is designated for street trading on a Sunday but currently no trading is carried out.		
Scattered sites[4]	Monday to Saturday	9am Monday to Sunday (unless otherwise stated)	6pm Monday to Sunday (unless otherwise stated)
Arsenal Area	First Team and International Matches	Two hours prior to start of match	One hour after cessation of match

Enforcement

57. If you are found to be in breach of your licence or any of these conditions follow up action will be undertaken by an authorised officer of the Council (Street Trading Officer) or Police Officer.

58. We implement a number of different enforcement actions they are:

    i. If you are unclear or are in initial breach of your licence or the offence is considered minor then the Street Trading Officer will provide face to face advice and guidance about your street trading responsibilities followed up by a letter of advice. Continued breach of your conditions will result in the issue of a formal warning

[1] Details of each trading location can be found at 1.
[2] Includes White Conduit, Godson and Baron Streets.
[3] Stalls shall not be put out prior to 8.00am on any day.
[4] Excluding newspaper stands

ii. If you continue to commit an offence and refuse to take action to remedy the offence a fixed penalty notice (FPN) will be served. (Offences listed in Schedule 2 of the London Local Authorities Act 2004 can be served by a FPN). If you pay the penalty within the prescribed timeframe you will avoid prosecution.

iii. A discount will be available for FPNs paid within 14 days from the date the notice was served. (This percentage is to be determined by the London Councils acting through the joint committee). A FPN must be paid within 28 days of the notice being served. If the FPN is not paid the case will be considered for prosecution in the Magistrate's Court.

iv. Notices stating the nature of the offence will be issued by the Street Trading area of Council.

v. The decision to prosecute will be made in line with the Code for Crown Prosecutors[5]. This document details the public interest and evidential considerations when bringing proceedings. Islington Council's Legal Services will initiate proceedings on Councils' behalf.

vi. All enforcement decisions and actions are made with due regard to the provisions of[6]:

- The Human Rights Act 1998
- The Crime and Disorder Act 1998
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Freedom of Information Act 2000
- Disability Discrimination Act 2005
- Equal rights and anti-discrimination legislation.

vii. Enforcement by the Council's officers will be undertaken in line with the Enforcement Concordat[7].

59. Serious breaches or recurring breaches of the conditions may result in you being prosecuted for the infringement of the street trading licence conditions. Persistent breaches of the conditions may be reported to the Licensing Regulatory Committee and may lead to a revocation of your licence.

[5] Code of Crown Prosecutions available from http://www.cps.gov.uk/victims_witnesses/code.html or on p: 020 7796 8000.

[6] If it is in the public interest and appropriate, information concerning non-compliance will be shared with other enforcement agencies. Where this takes place, we will ensure that the Data Protection Act 1998 and Human Rights Act 1998 are observed.

[7] Enforcement Concordat is available at www.cabinet-office.gov.uk

Islington Street Trading Procedures

Application Process

60. You are strongly advised to make an appointment to talk to Islington's Market Manager prior to applying for a street trading licence – contact details at Appendix 1.

61. There are two types of street trading licences, permanent and casual. The choice of licence is dependent on your requirements and location for trading.

Permanent Licence

62. These are offered, where available, to any suitable person wishing to trade in the London Borough of Islington. The procedures for applying is detailed below:

Step 1 – Application to Trade:

63. After initial discussion with the Street Trading Manager you will be given a copy of the Council's Street Trading Conditions and Procedures. You will be expected to abide to the Conditions relating to your licence once you receive your licence.

64. After this discussion you will be expected to provide us with a simple business case which will detail where you want to trade, what you will be selling (including any market research you have undertaken), how your products will be displayed, background of previous experience (if appropriate) and an outline of your health and safety procedures (including relevant Food Safety and Hygiene practices). You will need to submit this and your completed application form prior to a licence being granted.

65. Your application to trade will be reviewed by the Street Trading Manager and one other Council Officer (either from Trading Standards, Commercial Health or Planning). You may be required to attend an interview to discuss your application further and / or to provide samples of your product.

Step 2 – Proof of Identity and Insurance:

66. Before your licence can be issued you will be required to provide the following:
    - Three full passport size photographs of yourself to be signed on the reverse by you as proof of identification;
    - A certificate of your current public liability insurance to the value of £2 million and for the period you wish to be a trader in Islington (we can advise you on how to obtain this insurance);
    - Your driving licence or passport as proof of your identity;
    - A recent (within the past 3 months) bank statement or electricity / gas bill to provide evidence of your address;

- Your National Insurance Number and evidence that you have a legal right to employment in the UK. Temporary National Insurance Numbers are not acceptable;
- Evidence of your self employment status as issued by HM Revenue and Customs (self-employed is defined by HM Revenue and Customs as 'if you are in business on your own account and bear the responsibility for the success or failure of that business'); and
- Evidence of complying with the Business Names Act of 1985 (if required).

Step 3 – Temporary Trading Period:

67. Once you have complied with Steps 1 and 2 you will need to pay an administration and temporary licence fee (refer to Appendix 2 for a schedule of the fees). Please note Temporary licenses are not available at the Emirates Stadium.

68. A temporary licence and your stallcard will then be issued. This entitles you to trade for up to six months providing you trade to the satisfaction of Council.

Step 4 – Issuing a Permanent Trading Licence:

69. After six months your trading activities will be assessed and you will be required to complete the Council's Street Trading Best Practice Certificate – this is a programme of training focusing on health and safety, food safety, customer's rights, customer service, business planning and promotion. This can be done through attending a workshop or by passing a self completion test.

70. If you have traded to the satisfaction of us and received your Street Trading Certificate we will prepare a report for the Council's Licensing Regulatory Committee recommending a full licence be issued to you.

Step 5 – Full licence:

71. Once your permanent licence has been issued you will be entitled to trade for up to a maximum of three years. Monthly payments, paid in advance must be to Council via a standing order at your bank/building society, unless agreed by the Council. Cash is no longer accepted.

Licence Variation

72. Variations may be considered throughout the term of the licence such as changes of commodity. Changes to commodities are made taking into account any restrictions regarding commodities.

73. A fee is charged for each variation that is granted (refer to Appendix 2 for a list of charges) and must be paid in advance of the revised street trading licence being issued.

Renewal of Permanent Licences (excluding Arsenal)

74. Permanent licences are renewed on a three yearly cycle on 1 January. Renewal application forms are sent to all existing licensed traders usually in October along with a copy of the Standard Street trading

Licence Conditions. These forms must be completed and returned in person to the Street Trading Office by the specified deadline, together with:

- Full face passport photograph of you, signed on the reverse;
- Proof of third party public liability insurance;
- Proof of identity and address;
- Evidence of your self employment status as issued by HM Revenue and Customs (self-employed is defined by HM Revenue and Customs as 'if you are in business on your own account and bear the responsibility for the success or failure of that business'); and
- Evidence of complying with the Business Names Act of 1985 (if required); and
- If required, completion of the Street Trading Best Practice Certificate. This will be mandatory if a written complaint has been received by Council.

75. An Officers Panel will automatically grant the renewal of a licence provided there is no request for variation, breaches of the conditions or registered complaints against the trader during the term of the previous licence. In these instances the renewal may be referred to the Licensing Regulatory Committee.

76. Licences and stallcards are issued at the end of December. An administration fee (refer to Appendix 2 for the schedule of fees) must be paid for the licence to be renewed.

Renewal of Arsenal Licences

77. Renewal of Arsenal Licences follows the same procedures as for renewing a permanent licence, detailed above. The only difference is the time-frame for application. Licences for the Arsenal sites are valid only for the football season (July – end May). Renewal application forms are sent in April and new licences are issued by the end of June.

Non-renewal

78. The Council may refuse to renew a street trading licence on account of misconduct or any other sufficient reason. Before this decision is made the applicant will be given the opportunity to defend his/her right to retain their licence. In the event of the Council not renewing the licence the trader has the right of appeal to a Magistrates Court (usually Highbury Magistrates Court).

Revocation

79. The Council may at any time revoke a traders' licence on account of misconduct or any other sufficient reason. Before a licence is revoked a trader may be given the opportunity to defend his/her right to retain their licence. In the event of the Council revoking the licence the trader has the right of appeal to a Magistrates Court.

80. A street trading licence may be revoked or refused renewal for the following reasons (refer to Section 28(1)).

i. A trader may no longer be able to trade without causing undue interference or inconvenience to persons or vehicles using the street if changes have been made to the street layout since the grant or renewal of a licence.

ii. The licence holder is selling goods or services which the Council have resolved not to allow.

iii. The licence holder has, without reasonable explanation, failed to trade in person the required minimum number of days a week.

iv. The licence holder due to misconduct or other sufficient reason is assessed as being unsuitable to hold a licence.

v. The licence holder has for a period of four weeks or more failed to pay fees or charges due to the Council in connection with the street trading licence. Or has failed to pay any charges due from him/her for storage, if provided.

vi. The licence holder has failed to provide suitable and adequate storage for the trading receptacles or any perishable goods.

vii. The licence holder has persistently failed to securely store all trading receptacles.

viii. The licence holder has persistently failed to comply with the conditions of the licence.

Casual Licence

81. These are offered, where available, to any suitable person wishing to trade in the London Borough of Islington. A permanent licence holder can hold a casual licence in conjunction with their permanent licence. The procedures for applying are similar to a permanent licence and are detailed below:

Step 1 – Step 3 are the same as for a permanent licence.

Step 4 – Issuing a Casual Licence:

82. A stall card will be issued to you which must be signed by you and include a full face passport photograph of you.

83. You will be invited to purchase trading vouchers. Each voucher permits you to trade under the terms and conditions stated on the voucher and must be handed to the Street Trading Officer on the day of trading. These vouchers may not be sold, lent or transferred to any other person. You must sign and collect the licence and vouchers in person from the Street Trading Office.

Notes on casual trading

84. Holders of casual licences are not entitled to a specific pitch. The Market Inspectors will allocate any available vacant pitches on the day of trading. Pitch sizes vary so you are advised to ensure your stall is no larger than the smallest 2.44m x 0.91m (8'x3') pitch.

85. If you do not trade for a period of three consecutive months your casual licence will lapse and no further trading vouchers will be issued. Unspent vouchers returned to council within six months from date of issue will be eligible for a full refund. No refund will be given for vouchers outside of this time frame.

86. In special circumstances a casual licensee may trade from more than one vacant pitch. Pitches must be adjacent to one another and you must surrender the appropriate number of street trading vouchers to the attending market inspectors.

87. If you require a casual licence for a street market event please refer to the Council's Street Trading Events Protocol prior to applying for your licence. This is available from the Council's Website (www.islington.gov.uk) or from the Street Trading Manager.

Renewal

88. Casual licences must be renewed in the first week of January every year. The procedure for renewing a casual licence is the same as above and no committee approval is required. You must do it in person at the Council's Street Trading Office.

89. There is no right of appeal against the revocation of a temporary or a casual licence.

Commodity

90. In considering the type of commodity to be sold Council ensures the proposed product/service complements not competes with the existing retail mix of the area. The number of licences permitted reflects the Business Usage Planning Policy in that no more than 20 per cent of the stalls will be one type of commodity and there is no more than 50 per cent of takeaway food.

91. Only one commodity is permitted per licence, except where permission has been given by the Council to sell more than one. The commodity sold needs to be listed on the Council's Commodity list (refer to Appendix 3). If a particular commodity is not listed it may be possible to add a new commodity.

92. An application can be made to sell seasonal goods – these items are sold to observe certain religious festivals and may be sold provided that the items are related to the main commodity listed on the licence. Sale of these goods must not breach condition 43.

Stalls

93. The Council does not provide barrows or stalls for use in the markets (except under certain arrangement in Whitecross Street). All traders must make their own arrangements to hire or purchase their own. All barrows/receptacles must be capable of being moved at a moments notice in the event of an emergency. They must be removed from the

public highway to a place of safe storage within one hour at the end of the day's trading.

94. In markets where a standard type of stall, awning and name banner is required this is expected to be adopted by the trader.

Prosecutions

95. It is an offence for a street trader to:

    i. Engage in any street trading which conflicts with the terms of the licence.

    ii. To knowing make a false statement when applying for a street trading licence.

    iii. To resist or intentionally obstruct any authorised officer of the Council in the execution of their duties.

    iv. To physically or verbally abuse any member of the public, authorised officer of the Council or other persons coming in contact with them through the nature of their occupation.

    v. Fail on demand, without, reasonable excuse, to produce the street trading licence signed and bearing the licence holder's photograph to an authorised officer of the Council or to a police officer.

Routine Procedure

Allocation of Vacant Pitches

96. Daily allocation of the vacant pitches is undertaken in the following manner:

    i. First priority is given to existing full and temporary licensees who wish to transfer from their own pitch to another within the market, normally to improve their trading position.

    ii. Once the full licensees have completed their transfers the remaining vacant pitches are then allocated to the casual traders. Allocations are made using a points system.

    iii. Each trader of good standing receives one (1) trading point for every day they have traded. The points are totalled at the end of each full week and are added to the traders' existing points total to create a league table. The trader with the most points is given first choice of the vacant pitches that are available, with the next and so on down the list until there are no more vacant pitches to allocate. Bonus points can be earned by supporting the Council's Fair-trade principles and green initiatives (particularly packaging and rubbish). However points can be deducted for failing to support these initiatives.

    iv. Points cannot be carried over to the next year. They are valid only for one year. The point year is February to January

inclusive. At the start of the new year, points awarded during January are used to create the league table for the next year.

97. Only traders of good standing can participate in the daily allocation of pitches.

Permanent Licensees wishing to occupy additional pitches

98. Any permanent trader is allowed to occupy the pitch next to the permanent pitch provided that the pitch is vacant after:

    i. Daily transfers have been completed and approved.

    ii. Casual traders have been allocated.

    Note: the above movements within the market will only be granted to the named licensee.

Late arrivals

99. If a licensee does not take up their trading position by the required time as stated on the licence the Street Trading Inspectors are authorised to treat the pitch as vacant and may allocate the pitch to another trader if the need arises. If a licensee arrives after the commencement time it is the discretion to the street trading officer to locate them at the most appropriate pitch (even if the licensees pitch is available). Specific dispensation needs to be granted by the Street Trading Manager to permit late arrivals.

100. Vehicles will not be permitted to stay or enter the market 45 minutes after the commencement of trading.

101. Refer to condition 56 for designated trading times for each market.

Ownership of the Street Trading Licence

Licence is personal to the holder

102. A licence is granted only to the person named on it. It may not be transferred, assigned, sold or sub-let. Any such instances of the above may result in the revocation or non-renewal of the licence.

103. A trader may not hold more than one street trading licence unless otherwise agreed by the Council. The only exception is where licences have been granted under the London County Council (General Powers) Act 1947.

Nominated successor

104. A licence holder may at the time of application or renewal specify the name and address of a relative who is associated with, or dependent upon, the applicant's street trading business to whom he/she wishes the licence to be granted in the event of his/her death.

105. A person shall be treated as being related to another if the person is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, grand-daughter, stepson,

stepdaughter, brother, sister, half-brother or half-sister of the applicant. These relationships are also recognised in cases of illegitimacy or adoption.

Assistants

106. A street trader may employ a person to assist in the business. The street trader is responsible for ensuring the business is conducted at the stall and complies with the appropriate street trading legislation and street trading conditions.

107. It is expected that the licensee is at the stall for the majority of the working day and at least three days a week unless the licensee is ill, on holiday or buying stock.

108. If the licensee is ill or on holiday they may nominate their assistant to trade on their behalf during their absence provided that the assistant has first obtained a permit from the Council's street markets office.

109. This permit must be shown to the market inspectors daily or on demand whenever the assistant is trading and allows the assistant the same rights as a licensee for the term of the permit.

Transfer of licence

110. Once a licensee has reached retirement age or is forced to retire early on the grounds of ill health, an application to transfer the licence to a nominated successor can be made. This application must be made in writing to the street Market Section. The request will be considered at a meeting of the Licensing Regulatory Committee.

111. Applications can be made in writing to request transfer of licences to named persons i.e. relatives or assistants, and to move to a vacant pitch. These applications of transfer will be considered by the Licensing Regulatory Committee.

112. When the transfer application has been approved, the new licensee is liable to pay a variation fee to the Council prior to the licence being issued (refer to Appendix 2 for a list of charges). Any outstanding payments relating to the licence must be paid in full by either the existing named licensee or by the new licensee before a new licence will be issued, unless otherwise agreed by Council.

Carer's Leave

113. If a trader is unable to work as a result of providing care to a dependent, it may be possible to exempt that trader from personal trading for a maximum period of three months. The trader must apply in writing, supported by medical evidence. The Licensing Regulatory Committee considers all cases.

114. If carer's leave is granted the trader may use an assistant to run the business during their absence. In these cases the licensee is still required to pay the street trading fees. If an assistant is not used and the pitch remains vacant for the period of the carer's leave the trader may

make a request in writing to the Licensing Regulatory Committee to waive the fees.

115. If the absence exceeds three months the trader must apply in writing to the Council requesting an extension to their leave of absence. The Licensing Regulatory Committee will consider the request and may request that the trader make alternative care arrangements.

Payments

Street Trading fees and charges

116. Under Section 32 of the London Local Authorities Acts 1990-2004, the Council may charge fees for the following:

    i. The granting of or renewal of a street trading licence.

    ii. The grant of a casual/temporary licence.

    iii. The variation of a street trading licence made at the request of a licence holder.

117. Current street trading charges are set out in Appendix 2. These are reviewed regularly by Council to ensure the administrative and other related costs incurred by Council in managing street trading are covered.

Payment of full licence fees

118. All licence fees and charges must be paid in advance.

119. Payments must be made via a standing order with a bank/building society, unless agreed otherwise by the Council. A standing order mandate form can be obtained on request from the street markets office.

120. Trader's who are four weeks or more in arrears with payments will be liable to have their licence revoked. Council will send a warning letter providing details of the outstanding payments prior to the Council taking action to revoke the licence. If a trader does not respond to the demand or pay the outstanding debt within 28 days, the matter will be reported to the Licensing Regulatory Committee.

121. Council will charge an administration fee as per Appendix 2 to follow up outstanding payments.

Payment of Temporary and Casual Licence Fees

122. Payments must be made in person to the street markets office. Temporary licence fees are payable fortnightly in advance. Casual traders must buy street trading vouchers in advance of trading.

Payment by cheque

123. The amount payable by cheque is limited to the amount shown on the cheque guarantee card required at the time of payment.

124. Where cheques are not honoured by the bank the trader may find the street trading licence revoked by Council.

Requirements of other Legislation

125. Holding a street trading licence does not exempt a trader from any other legislation, such as Acts relating to Trading Standards, Environmental Health etc (refer to Condition 6). This includes restrictions on noise such as the use of radios, CD players' etc.)

126. Traders must not cause a nuisance to other stall holders or the general public in the operation of their stall. Written complaints received by Council against a trader will be followed up in line with the enforcement conditions (Conditions 57 - 59).

Complaints

127. The Council has adopted the central and local government Concordat on Good Enforcement committing itself to following policies and procedures, which contribute to best value. Being committed to the Concordat ensures Council's Street Trading Enforcement Officers undertake their work in an equitable, practical and consistent manner to maintain a fair and safe trading environment. Council recognises that the term enforcement includes advice and education, assistance with compliance as well as licensing and formal enforcement action when required (a copy of the Enforcement Concordat is available at www.cabinet-office.gov.uk).

128. If you are dissatisfied with the enforcement action that a Street Trading Officer has taken you can make a complaint to the Street Trading Services Area Manager. Complaints should be made in writing to:

    - Dave Fordham
      Service Manager – Street Trading
      Environmental and Regeneration Department
      The London Borough of Islington
      222 Upper Street
      London N1 1XR

    The Council's complaints process is detailed at www.islington.gov.uk.

Council Authorised Officers

129. Assault against any employee of the Council is an offence contrary to the Criminal Justice Act 1988 and the Offences Against the Person Act 1861.

130. In addition to the statutory definition, assault can also include 'any incident in which persons are abused, threatened or assaulted in circumstances relating to their work and which constitutes an explicit or implicit threat to their safety and general wellbeing'.

131. Prosecution will be undertaken in accordance with the Criminal Procedure and Investigations Act 1996 (as amended by the Criminal Justice Act 2003) and the Attorney General's Guidelines on disclosure of evidential materials.

132. We will comply with the Data Protection Act 1998. This includes the collection of personal data and its retention, disclosure and other processes, in particular, personal data will not be disclosed to third parties except in accordance with the provisions of the Act.

Street Trading Enforcement Officer

133. Street Trading Enforcement Officers / Market Inspectors are responsible for ensuring street trading within the Borough is implemented safely and legally. Only competent officers who have appropriate qualifications / training or experience will be authorised to take enforcement action. Officers will receive sufficient training and understanding of Street Trading in Islington and the related street trading legislation and enforcement policies to ensure a consistent approach to their work. Street Trading Managers will continually monitor the Market Inspectors through regular appraisals and reviews to ensure that their actions are always in accordance with Islington's policies.

134. Authorised officers from other council departments and the Metropolitan Police also have the power to take enforcement action when required.

135. Training and relevant updates for Street Trading Officers will be provided to ensure all authorised enforcement personnel have the skills and knowledge required to undertake their enforcement duties and to ensure all officers use a consistent approach.

136. Enforcement actions are taken in line with the Enforcement Concordat, which provides the principles for good enforcement. These are:
    - Drawing up clear standards;
    - Setting out the level of service and performance the public and business can expect to receive;
    - Dealing with the public and the business in an open and honest way;
    - Providing a courteous, efficient and helpful service;
    - Responding promptly and positively to complaints about the service;
    - Ensuring that enforcement action is proportionate to the risks to the public; and
    - Carrying out duties in a fair, equitable and consistent manner.

137. A full version of the Enforcement Concordat is available from Street Market Section or by accessing the Cabinet Office's Website at www.cabinet-office.gov.uk.

138. Islington officers work to the council's Customer Care Standards[8], which state that officers should:
    - Wear and show their official identification cards;
    - Ask permission before entering any property, where applicable;
    - Clearly explain the reason for the visit;
    - Keep appointments when made or explain to the customer any reasons for being late or having to cancel meetings;

[8] Available from Council's website www.islington.gov.uk

- Let the trader know what follow up action they can expect and by when; and
- Confirm all relevant information in writing.

139. In line with the Council's Dignity for All Policy[9] all officers are to treat everyone, no matter what their age, religion, sex, disability, sexuality or ethnic background fairly and with respect. It is expected that all council staff undertake regular training on diversity and equality issues and to not use any discriminatory practices when providing services.

140. Investigations will be carried out in line with the Police and Criminal Evidence Act 1984 codes of practice and agreed procedures.

141. Guidance for officers as to when the enforcement actions are appropriate will be documented in the Council's Street Trading Enforcement Procedures. All actions taken by officers will be monitored by their manager to ensure they have acted in accordance with these conditions and procedures. Only officers authorised by the Director of Environment and Regeneration may undertake the enforcement duties highlighted in these conditions and procedures. This authorisation in accordance with the Council's scheme of delegation as set out in the London Borough of Islington's Constitution.

[9] Copies of Dignity for all Policy is available from the Equality and Diversity Unit – 020 7527 3241.

Appendix 1: Trading Locations

Market / Pitch locations

There are three council managed street markets within the Borough: Whitecross Street Market, Chapel Market and Exmouth Market. The Council also licenses a number of pitches in the Camden Passage Market.

Chapel Market lies between Liverpool Road and Penton Street and the street trading area includes three adjacent streets; White Conduit Street, Baron Street and Godson Street (Sunday trading only). The market has 160 designated pitches. The market is open Tuesday to Sunday with Friday, Saturday and Sunday being the busiest trading days the market is located in the heart of the Angel Town Centre. The market is a conventional street market selling a mix range of fresh produce and other personal and household items

Whitecross Street Market has currently undergone extensive street improvements, once completed there will be a potential for 100 designated pitches. The Market (one of the oldest markets in London) is located between Old Street and Fortune Street in the south of the borough. The market is open 10am - 3pm, Mondays to Saturdays, and is popular at lunchtime with local office workers. Although all types of goods and foods are sold within the market it is evolving into a food destination market supported by a number of festivals and monthly markets.

Exmouth Market has 20 designated pitches with approximately seven licensed traders, plus 20 – 30 stalls operating on Friday and Saturday managed by Blooming Markets on behalf of the Exmouth Market Traders Association. This weekly food market focuses on quality, speciality and variety. The market is located between Rosebery Avenue and Farringdon Road in the south-west of the borough. The market is open Monday to Saturday, where Friday and Saturday are the busiest trading days.

Camden Passage Antique Market, Council licences a number of pitches in Camden Passage on a Wednesday and Saturday to compliment the privately operated antiques / bric-a-brac market.

Archway pitches have been temporarily designated to continue the Archway markets due to the need to relocate the market. Long term designation is subject to Committee decision.

Scattered Sites – In addition to the markets, there are scattered pitches throughout the Borough selling a variety of commodities (refer to Appendix 3 for a complete list of sites).

Arsenal Area – In addition to the scattered pitches 17 sites are designated for trading around the Emirates Stadium. Trading is restricted to match days only. Vacancies in this area seldom arise (refer to Appendix 1 for a complete list).

Location of Scattered Sites

Street location	No of designated pitches
Axminster Road	3
Brookside Road	2
Clerkenwell Road	1
Durham Road	1
Eburne Road	2
Elthorne Road	1
Essex Road	1
Finsbury Square	1
Freeling Street	1
Greenman Street	1
Highgate Hill	1
Holloway Road	5
Islington High Street	5
Junction Road	1
Liverpool Road	1
Penton Street	1
Salterton Road	2
Storey Street	2
Tilloch Street	2
Vine Street	1

Arsenal Pitches

Street location	No of designated pitches
Aubert Park	2
Avenell Road	2
Conewood Street	1
Drayton Park	1
Elwood Street	2
Gillespie Road	1
Highbury Hill	2
Martineau Road	1
Monsell Road	2
St Thomas's Road	3

ISLINGTON

SECTION 32 OF THE LONDON LOCAL AUTHORITIES ACT 1990 (as amended)

Appendix 2: STREET TRADING CHARGES

NOTICE IS HEREBY GIVEN under Section 32 (7) of the London Local Authorities Act 1990 (as amended) that on 1st October 2008 Islington Council determined that, from Monday 6th October 2008, the fees and charges payable by licensed street traders under Section 32 of the London Local Authorities Act 1990 (as amended) shall be as detailed below:

LICENCE FEES

Chapel Market

Pitch Size

	Area	Per Week
8'x 3'	A	£58.50
9'x 3'	A	£64.70
11'x 3'	B	£53.20

Daily Transfer charges

Tues – Thurs	£3.00 per day
Friday - Sat	£8.00 per day
Sun	no charge

The above transfer charges relate to transfers from Area B to Area A, or any transfer within Area A

Casual Vouchers & Additional pitch(es)

Tue - Thu	£8.00 per day/ per pitch
Friday	£13.50 per day/ per pitch
Sat-	£27.00 per day/ per pitch
Sun	£8 per day per pitch

Whitecross Street Market

Take Away Type Food

Mon – Fri	£65.00 (Subsequent pitches £55.00)
Thur – Fri	£40.00 per pitch

Other Commodities

Mon – Fri	£45.00 (Subsequent pitches £33)
Thurs – Fri	£25.00 per pitch

Casual (Not Take away type foods)

Mon – Wed	£12 per day
Thur – Fri	£15 per day

Exmouth Market

Per Pitch Per Week

Take Away Type Food

Mon- Fri	£45.00

Other Commodities

Mon – Fri	£31.50

Casual (No hot Food)

£12 per day

Torrens Street

£6.50 per day

Camden Passage (No longer accepting casuals)

Wed	£20
Sat	£25
Wed & Sat	£40
Fri (if approved)	£20
All 3 days (if approved)	£55

Scattered Sites

Angel Area
Kiosks
£80.00 per week
Non-Kiosk
£77.00 per week

Essex Road
Kiosk and Non-Kiosk
£64.50 per week

Nags Head & Seven Sisters Area
Kiosk and Non-Kiosk
£77.00 per week
Archway Area
Kiosks and Non-Kiosk
£53.00 per week

Archway Market (Additional Report agreed at Committee)

Miscellaneous Sites

£77.00 per week
Wells Terrace
Finsbury Square

£53.00 per week
St Agnes Wells
Wallace Road

£25.00 per week
Pitches off Caledonian Road
Durham Road

(Arsenal) Emirates Stadium Area

(Effective 1st August 2008)

Stalls Selling Food
£1600.00 per annum
Stalls Selling Non Food
£1240.00 per annum
Trading from Private Land (Arsenal Area)
Stalls Selling Food
£780.00 per annum
Stalls Selling Non Food
£620.00 per annum

SHOPFRONT LICENSES

Area A	£14.20 per sq. metre/per week
Area B	£9.80 per sq. metre/per week
Area C	£4.90 per sq. metre/per week

Trading from Private Land (other than Arsenal)

	Per week
Area A	£37.40
Area B	£26.00
Area C	£12.50

ILLEGAL TRADING
Removal and release of stall/goods
£177.50 per removal

Storage of stall and/or goods

£59.50 per day
(Maximum 30 days)

Specialist ad hoc Markets priced on application

Licence Applications
All markets and scattered pitches
Casual Registration Fee £30.00
Temporary Licence Application Fee for 6 months or less £30.00
Full Licence Application Fee 2 years or less £40.00
Full Licence Application Fee up to 3 years £50.00

Shopfront / Private Land applications
£100.00 per (New) application
£30.00 Renewal Fee

New Designations
£1000.00 Non Refundable

Licence Variations
Variation fee £70.00 per application
(Incl. transfer)

Arrears/Breach of Conditions
(Traders who fall into arrears by 4 weeks or more, or who breach licence conditions)
£25.00 per warning letter (max. 1 letter per week)
£90.00 per Committee/Officer Panel referral

Request for Printout of Account
Free up to 2 printouts per year
£10.00 for any additional

Replacement Stall Card/Licence
£5.00 per item

Electrical Cable (Chapel Market)
Cable £38.50 Non Refundable

PAT Testing £30 per year (compulsory)

Appendix 3: Street Trading – List of Commodities

Food retailing

Fresh meat, fish and poultry
Fruit and vegetable (to include Christmas trees, holly, ivy and mistletoe at Christmas only)
Bread and cake
Takeaway food
Dairy foods
Sweets and confectionery
Specialised food not further defined

Clothing and soft good retailing

Ladies wear - (excluding footwear and underwear) including shirts, blouses, shirts, knitwear, trousers, suits, dresses, jump-suits, coats, jackets, overalls, T-shirts
Mens wear – (excluding footwear and underwear) including shirts, knitwear, trousers, suites, coats, jackets, overalls and T-shirts
Childrens wear – (excluding footwear and underwear) including sizes 0 – 12 years old, skirts, blouses shirts, knitwear, trousers, suits, dresses, jump-suits, coats, jackets, T-shirts, school wear
Underwear, nightwear, beachwear and clothing accessories – including knickers, tights, bras, slips, suspenders, stockings, corsets, briefs, socks, vests, boxer shorts, thermals, leg warmers, pyjamas, night-dresses dressing gowns, beach tops, sarongs, bikinis, swimsuits, swimming trunks, hats, scarves, gloves sunglasses and umbrellas
Footwear – including all footwear worn by women, men, children or infants, e.g. shoes, boots Wellingtons, trainers, plimsolls, slippers, espadrilles, canvas shoes, etc.
Fabric and other soft good retailing

Recreational goods retailing

Sport and camping equipment
Toys and games
Newspapers, books, periodicals and stationery
Photographic equipment
Marine equipment
Pet foods and accessories
Travel and leather goods

Furniture, house ware and appliances

Furniture
Floor covering
Domestic hardware and house-ware
Domestic appliance
Recorded audio or visual

Other personal and household good Retailing

Pharmaceutical, cosmetic and toiletry

Antique and used goods
Garden equipment
Flowers and plants including cut flowers, plants, bulbs, shrubs, trees, artificial flowers and plants, horticultural sundries e.g. pots, plant food, seeds (to include Christmas trees, holly, ivy and mistletoe at Christmas only)
Watch and jewellery
Mobile phones, telecommunications equipment and accessories
££ stall – any goods retailing for £2 or less

Appendix 4: Council Contacts

Street Trading Office
Public Protection Division
Islington Council
222 Upper Street
London N1 1XR
Tel: 020 7527 3830
Fax: 020 7527 3165
Email: street.trading@islington.gov.uk

Office Opening Times
Monday 9am – 1pm and 2pm – 4.30pm
Tuesday/Wednesday – Closed
Thursday 9am – 1pm and 2pm – 4.30pm
Friday 9am – 1pm and 2pm – 4.30pm
Saturday/Sunday – Closed

Temporary events licence
Licensing Service
Islington Council
222 Upper Street
London N1 1XR
Tel: 020 7527 3047
Fax: 020 7527 3057
email: licensing@islington.gov.uk
www.islington.gov.uk/Business/Licences/TemporaryLicences

(contact required if serving or selling alcohol)

Food Safety
Environmental Health
Islington Council
222 Upper Street
London N1 1XR
Tel: 020 7527 3816
Fax: 020 7527 3057
email: commercial.envh@islington.gov.uk

Noise Service
Islington Council
222 Upper Street
London N1 1XR
Tel: 020 7527 3258
Fax: 020 7527 3057
Email: noise.issues@islington.gov.uk

Street Management
Islington Council
1 Cottage Road,
London,
N7 8TP

Appendix 5 A

Galvani, Steve

From:	Galvani, Steve
Sent:	03 March 2016 11:36
To:	Heather, Gary; Shaikh, Asima
Subject:	FW: Street Trading Designation Seven Sisters Road N7
Attachments:	Public Notice.docx; Map with traders outline A3.pdf

Dear Councillors

As part of the consultation process to designate an area in Seven Sisters Road N7 for Street Trading purposes I have attached to this email the public notice that is being published today in the Islington Gazette.I have also attached a map to assist you.
I invite you to make any comments or observations as part of this process.

Regards
Steve Galvani
Shop Front Licensing & Enforcement Officer

Street Trading Team
Public Protection
Environment & Regeneration
London Borough of Islington
Municipal Offices
222 Upper Street
London N1 1RX

My email steve.galvani@islington.gov.uk
Alternate email street.trading@islington.gov.uk

My direct line: **020 7527 4245**
Alternate Phone: **020 7527 3830**

Web site: www.islington.gov.uk

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Towards a Fairer Islington
Our Commitment
Visit www.islington.gov.uk/corporateplan
HOMES WORK MONEY GOOD SERVICES QUALITY OF LIFE

Appendix 5 B

Galvani, Steve

From:	Galvani, Steve
Sent:	03 March 2016 11:04
To:	Williams, Dawayne; Lucas, Barry; 'alan.davidson@tfl.gov.uk'; Hart, Jan; Dervish, Houriye; Fordham, David
Cc:	Crawford, Jenny; Calderbank, Michael; Demetriou, Chris
Subject:	Street Trading Designation Seven Sisters Road
Attachments:	Public Notice.docx; Map with traders outline A3.pdf

Dear All

Attached is the public notice that is appearing in the Islington Gazette today as part of the consultation process for designating an area in front of 67-83 Seven Sisters Road N7 for Street trading purposes.
I invite any comments and observations.

A separate email has been sent to local councillors and the police.

Please feel free to contact me for any further information.

Regards
Steve Galvani
Shop Front Licensing & Enforcement Officer

Street Trading Team
Public Protection
Environment & Regeneration
London Borough of Islington
Municipal Offices
222 Upper Street
London N1 1RX

My email steve.galvani@islington.gov.uk
Alternate email street.trading@islington.gov.uk

My direct line: **020 7527 4245**
Alternate Phone: **020 7527 3830**

Web site: www.islington.gov.uk

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