

NOTICE OF MEETING

LICENSING SUB COMMITTEE B

Monday, 21st December, 2015, 7.00 pm - Civic Centre, High Road, Wood Green, N22 8LE

Members: Councillors Vincent Carroll (Chair), David Beacham and Toni Mallett

Quorum: 3

1. **FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. **APOLOGIES FOR ABSENCE**

3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be considered at item 9 below).

4. **DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. SUMMARY OF PROCEDURE (PAGES 1 - 2)

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003. A copy of the procedure is attached.

6. THE VILLAGE, 118 WEST GREEN ROAD, LONDON N15 5AA (PAGES 3 - 66)

To consider an application for a variation to the existing premises licence.

7. EXCLUSION OF THE PRESS AND PUBLIC

That the press and public be excluded from the meeting for consideration of item 8 as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual, and information likely to reveal the identity of an individual.

8. REVOCATION OF A STREET TRADING LICENCE (PAGES 67 - 146)

9. ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted under item 2 above.

Maria Fletcher
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Email: maria.fletcher@haringey.gov.uk

Bernie Ryan
Assistant Director – Corporate Governance and Monitoring Officer
River Park House, 225 High Road, Wood Green, N22 8HQ

11 December 2015

LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY	
INTRODUCTION	
1.	The Chair introduces him/herself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.
2.	The Chair invites Members to disclose <ul style="list-style-type: none"> i) any prior contacts (before the hearing) with the parties or representations received by them; and separately ii) any declarations of interest.
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed in advance.
NON-ATTENDANCE BY PARTY OR PARTIES	
4.	If one or both of the parties fails to attend, the Chair decides whether to: <ul style="list-style-type: none"> (i) grant an adjournment to another date, or (ii) proceed in the absence of the non-attending party. <p>Normally, an absent party will be given one further opportunity to attend.</p>
TOPIC HEADINGS	
5.	The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is: <p>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</p> <ul style="list-style-type: none"> (i) the prevention of crime and disorder, (ii) public safety, (iii) the prevention of public nuisance, and (iv) the protection of children from harm.
6.	The Chair invites comments from the parties on any other topic headings to be discussed.
WITNESSES	
7.	The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8.	Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.
DOCUMENTARY EVIDENCE	
9.	The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10.	If so, the Chair will ask the other party if they object to the admission of the late documents.
11.	If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not generally be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by surprise by the late documents?	
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv)	Is the late evidence really important?	
(v)	Would it be better and fairer to adjourn to a later date?	
THE LICENSING OFFICER'S INTRODUCTION		
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours applied for and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.	
14.	The Licensing Officer can be questioned by Members and then by the parties.	
THE HEARING		
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:	
(i)	an introduction by the Objectors' main representative	
(ii)	an introduction by the Applicant or representative	
(iii)	questions put by Members to the Objectors	
(iv)	questions put by Members to the Applicant	
(v)	questions put by the Objectors to the Applicant	
(vi)	questions put by the Applicant to the Objectors	
CLOSING ADRESSES		
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.	
17.	Generally, the Objectors make their closing address before the Applicant who has the right to the final closing address.	
THE DECISION		
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.	
19.	The decision is put in writing and read out in public by the Committee Clerk once Members have returned to the meeting.	

Report for: Licensing Sub Committee 21st December 2015

Item number:

Title: Variation of an existing Premises Licence: The Village, 118 West Green Road London N15 5AA.

Report authorised by : Daliah Barrett-Licensing Team Leader – Regulatory Services.

Ward(s) affected: TG

Report for Key/
Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 This report relates to an application for the variation of an existing licence for The Village, 118 West Green Road London N15 5AA.

The application is made by Medina Basrika and seeks an increase in the hours to sell alcohol and an increase in opening hours as well as the addition of regulated entertainment and late night refreshment.

Details of the application are as follows:

Provision of regulated Entertainment: Live Music, Recorded Music, Performances of Dance, anything of a similar description, facilities for making music, facilities for dancing and anything of a similar description

Monday to Sunday 0600 to 0400

Late Night Refreshment:
Monday to Sunday 2300 to 0330

Supply of Alcohol
Monday to Sunday 0600 to 0330

For consumption ON the premises

Opening Hours
Monday to Sunday 0600 to 0400
Monday-Sunday 0600 to 2300

- 1.2 The current licence allows for :

Supply of Alcohol only at the premises.

Sunday to Thursday 1200 to 2230

Friday to Saturday 1200 to 0000

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The opening hours of the premises:

Sunday to Thursday 1200 to 2300

Friday to Saturday 1200 to 0030

Supply of alcohol for consumption ON the premises, ancillary to a meal.

- 1.3 If granted the variation will see an increase in the availability of alcohol at the premises by 11 hours Sunday to Thursday. Friday and Saturday the increase is 9hrs 30minutes.

The premises would also be able to offer live and recorded music and the performance of dance for up to 22 hours per day Monday to Sunday. There is no provision for regulated entertainment on the current licence.

The addition of Late Night Refreshment is also requested for 4hrs 30minutes per day. The LSC should note that the current conditions on the licence requires that the alcohol is only served with food but the current licence does not carry the provision of late night refreshment, so gives the impression that some alcohol sales are carried out outside of the conditions and sales are made without the provision of food.

- 1.4 The hours and additional licensable activity will see a significant change in the mode of operation of the premises. The premises is set along a terrace of shops with residential properties directly above and additional residential accommodation being built nearby.

2 Recommendations

There is no recommendation, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are:

- Grant the variation as requested
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates
- Reject the whole or part of the application

- 2.1 Members of the licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must be appropriate in order to promote the licensing objectives.

3. Background

- 3.1 The premise was initially granted a licence for alcohol sales only with meals in August 2014. Medina Basirika took over the licence in June 2015
The premises has a history of non compliance in the past and first came to attention of officers through complaints received from residents in 2014 relating to noise in the early hours of the morning from the venue. The premises also has Planning permission that only permits it to open until 23.00pm, this was to ensure that residents were not adversely affected by the operation of the venue when it was granted permission to operate as a take away/restaurant in 2013.
- 3.2 During the consultation period letters of representation were received from residents who have previously been affected by the operation of the premises.
Representation was also received from the Metropolitan Police and the Licensing Authority against any increase of the hours or the ability to now add regulated entertainment to the licence. There is potential for the additional hours to give rise to noise nuisance to nearby residents.
- 3.3 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.
- 3.4 The Licensing Authority considers that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licenced premises in an area when considering what is appropriate to promote the objectives.
Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to be adversely impacted.

4. Policy Implications

- 4.1 The decision should be made with regard to the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

4.2 Equalities impact

At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5. Other considerations

5.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

6 Use of Appendices

Appendix 1- Variation application form

Appendix 1A- copy of current licence

Appendix 2 – Letter of representation from Licensing Authority

Appendix 3- Letter of representation from Met Police.

Appendix 4- Letters of representation from residents.

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy

Appendix 1- Variation application form



Application to vary a premises licence under the Licensing Act 2003

HARINGEY COUNCIL
LICENSING
RECEIVED
- 9 NOV 2015

Reference number:

WK/338004

(1)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records

(2) I/We **MEDIWA BASIRIKA**

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

LN/000013122

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description
118 WEST GREEN ROAD
TOTTENHAM

Post town **TOTTENHAM** Postcode **N15 5AA**

Telephone number at premises (if any) **02087301814**

Non-domestic rateable value of premises **£**

Part 2 - Applicant details

Daytime contact telephone number **0741271815**

E-mail address (optional) **MDXAN81@GMAIL.COM**

Current postal address if different from premises address
118 WEST GREEN ROAD

Post town **TOTTENHAM** Postcode **N15 5AA**

(1) Insert name and address of relevant licensing authority and its reference number (optional)
(2) Insert name(s) of applicant

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please read guidance note 1)

What consideration have you given to the immediate locality with regards to the licensable activities you are applying for?

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for performing plays (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the performance of plays at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

C

Indoor sporting events			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Mon			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
Thur			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

E

Live music			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon	6.00 AM	4.00 AM	
Tue	6.00 AM	4.00 AM	State any seasonal variations for the performance of live music (please read guidance note 4)
Wed	6.00 AM	4.00 AM	
Thur	6.00 AM	4.00 AM	Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	6.00 AM	4.00 AM	
Sat	6.00 AM	4.00 AM	
Sun	6.00 AM	4.00 AM	

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon	6.00 AM	4.00 AM	
Tue	6.00 AM	4.00 AM	State any seasonal variations for the playing of recorded music (please read guidance note 4)
Wed	6.00 AM	4.00 AM	
Thur	6.00 AM	4.00 AM	Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	6.00 AM	4.00 AM	
Sat	6.00 AM	4.00 AM	
Sun	6.00 AM	4.00 AM	

Performances of dance			Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	6.00AM	4.00PM	Please give further details here (please read guidance note 3)
Tue	6.00AM	4.00PM	
Wed	6.00AM	4.00PM	State any seasonal variations for the performance of dance (please read guidance note 4)
Thur	6.00AM	4.00PM	
Fri	6.00AM	4.00PM	Non-standard timings. Where you intend to use the premises for the performance of dance at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	6.00AM	4.00PM	
Sun	6.00AM	4.00PM	

H

Anything of a similar description to that falling within (e), (f) or (g)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			PROVISION OF LIVE MUSIC & RECORD MUSIC AS WELL AS PERFORMANCES OF PERFORMANCES OF DANCE TOO
Day <th>Start</th> <th>Finish</th>	Start	Finish	
Mon	6.00AM	4.00PM	Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
			Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Tue	6.00AM	4.00PM	Please give further details here (please read guidance note 3)
Wed	6.00AM	4.00PM	
Thur	6.00AM	4.00PM	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri	6.00AM	4.00PM	Non-standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	6.00AM	4.00PM	
Sun	6.00AM	4.00PM	

Provision of facilities for making music			Please give a description of the facilities for making music you will be providing																								
Standard days and timings (please read guidance note 6)																											
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>6.00 AM</td> <td>4.00 PM</td> </tr> <tr> <td>Tue</td> <td>6.00 AM</td> <td>4.00 PM</td> </tr> <tr> <td>Wed</td> <td>6.00 AM</td> <td>4.00 PM</td> </tr> <tr> <td>Thur</td> <td>6.00 AM</td> <td>4.00 PM</td> </tr> <tr> <td>Fri</td> <td>6.00 AM</td> <td>4.00 PM</td> </tr> <tr> <td>Sat</td> <td>6.00 AM</td> <td>4.00 PM</td> </tr> <tr> <td>Sun</td> <td>6.00 AM</td> <td>4.00 PM</td> </tr> </tbody> </table>			Day	Start	Finish	Mon	6.00 AM	4.00 PM	Tue	6.00 AM	4.00 PM	Wed	6.00 AM	4.00 PM	Thur	6.00 AM	4.00 PM	Fri	6.00 AM	4.00 PM	Sat	6.00 AM	4.00 PM	Sun	6.00 AM	4.00 PM	Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish																									
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Sat	6.00 AM	4.00 PM																									
Sun	6.00 AM	4.00 PM																									
			Please give further details here (please read guidance note 3)																								
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)																								
			Non-standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)																								

J

Provision of facilities for dancing			Please give a description of the facilities for dancing you will be providing																								
Standard days and timings (please read guidance note 6)																											
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>6.00 AM</td> <td>4.00 AM</td> </tr> <tr> <td>Tue</td> <td>6.00 AM</td> <td>4.00 AM</td> </tr> <tr> <td>Wed</td> <td>6.00 AM</td> <td>4.00 AM</td> </tr> <tr> <td>Thur</td> <td>6.00 AM</td> <td>4.00 AM</td> </tr> <tr> <td>Fri</td> <td>6.00 AM</td> <td>4.00 AM</td> </tr> <tr> <td>Sat</td> <td>6.00 AM</td> <td>4.00 AM</td> </tr> <tr> <td>Sun</td> <td>6.00 AM</td> <td>4.00 AM</td> </tr> </tbody> </table>			Day	Start	Finish	Mon	6.00 AM	4.00 AM	Tue	6.00 AM	4.00 AM	Wed	6.00 AM	4.00 AM	Thur	6.00 AM	4.00 AM	Fri	6.00 AM	4.00 AM	Sat	6.00 AM	4.00 AM	Sun	6.00 AM	4.00 AM	Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish																									
Mon	6.00 AM	4.00 AM																									
Tue	6.00 AM	4.00 AM																									
Wed	6.00 AM	4.00 AM																									
Thur	6.00 AM	4.00 AM																									
Fri	6.00 AM	4.00 AM																									
Sat	6.00 AM	4.00 AM																									
Sun	6.00 AM	4.00 AM																									
			Please give further details here (please read guidance note 3)																								
			State any seasonal variations for providing dancing facilities (please read guidance note 4)																								
			Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times from those listed in the column on the left, please list (please read guidance note 5)																								

Provision of facilities for entertainment of a similar description to that falling within I or J			Please give a description of the type of entertainment facility you will be providing
Standard days and timings (please read guidance note 6)			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	6.00AM	4.00AM	Please give further details here (please read guidance note 3)
Tue	6.00AM	4.00AM	
Wed	6.00AM	4.00AM	State any seasonal variations for the provision of the facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Thur	6.00AM	4.00AM	
Fri	6.00AM	4.00AM	Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	6.00AM	4.00AM	
Sun	6.00AM	4.00AM	

Late night refreshment			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	6.00 AM	4.00 AM	Please give further details here (please read guidance note 3)
	23.00	3.30	
Tue	6.00 AM	4.00 AM	
		3.30	
Wed	6.00 AM	4.00 AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
		3.30	
Thur	6.00 AM	4.00 AM	
		3.30	
Fri	6.00 AM	4.00 AM	Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
		3.30	
Sat	6.00 AM	4.00 AM	
		3.30	
Sun	6.00 AM	4.00 AM	
		3.30	

M

Supply of alcohol			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			On the premises <input checked="" type="checkbox"/> Off the premises <input type="checkbox"/> Both <input type="checkbox"/>
Mon	6.00 AM	4.00 AM	State any seasonal variations for the supply of alcohol (please read guidance note 4)
		3.30	
Tue	6.00 AM	4.00 AM	
		3.30	
Wed	6.00 AM	4.00 AM	
		3.30	
Thur	6.00 AM	4.00 AM	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
		3.30	
Fri	6.00 AM	4.00 AM	
		3.30	
Sat	6.00 AM	4.00 AM	
		3.30	
Sun	6.00 AM	4.00 AM	
		3.30	

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

CHILDREN ON PREMISES MUST HAVE WITH THEM THEIR PARENTS, CARERS OR NATURAL RELATIVES AND MUST BE GUIDED BY THEM & MANAGEMENT STAFF AT THE PREMISES

O

Hours premises are open to the public
Standard days and timings (please read guidance note 6)

State any seasonal variation (please read guidance note 4)

Day	Start	Finish
Mon	6.00 AM	4.00 AM
Tue	6.00 AM	4.00 AM
Wed	6.00 AM	4.00 AM
Thur	6.00 AM	4.00 AM
Fri	6.00 AM	4.00 AM
Sat	6.00 AM	4.00 AM
Sun	6.00 AM	4.00 AM

Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N/A

Please tick yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

N/A

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

WE HAVE IN PLACE MEASURES THAT SHOULD MOVE ALL CUSTOMERS TO ENJOY THE TV

b) The prevention of crime and disorder

THE PREMISES HAS CLOSED CIRCUIT TRANSMISSION VIDEO CAMERAS IN PLACE AS A DEFENSE TO ALL USERS OF THE PLACE. STRICT REGIME / MEASURES ARE BEING OBSERVED AT ALL TIMES.

c) Public safety

THE LAYOUT IS WELL LOOKED AFTER AT ALL TIMES AND CUSTOMERS ALWAYS REMINDED OF THEIR RESPONSIBILITIES AND OTHER USERS WHOSE AT THE PREMISES NOT TO ALLOW ANYBODY TO USE ANY DRUGS OR ENGAGE IN NOISE NUISANCE OR CREATE A SITUATION THAT CAN ENDANGER THEMSELVES OR OTHERS WHOSE AT THE PREMISES

d) The prevention of public nuisance

HIGHLIGHTING AND IMPLEMENTING OF MEASURES THAT DONT WARRANT USE OF VIOLENCE & DRUGS IN ANY FORM OR SHAPE. THIS ALLOWS US TO MAKE SURE INFORMATION TO DETER (STOP ANY OF SUCH ACTIVITIES BY CUSTOMERS IS IN PLACE

e) The protection of children from harm

WE HAVE MEASURES IN PLACE TO MAKE SURE NO UNWELL AND KNOWNLY NEGLECT, ABUSE OR EXPOSING CHILDREN TO UNDESIRABLE BEHAVIOURS THAT ARE UNWARRANTABLE WHOSE AT THE PREMISES THIS HAS TO BE STRICTLY OBSERVED AT ALL TIMES

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (please read guidance note 11)

If signing on behalf of the applicant please state in what capacity.

Signature *[Handwritten Signature]*

Date *11/11/2015*

Capacity *Manager*

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12)

If signing on behalf of the applicant please state in what capacity.

Signature _____

Date _____

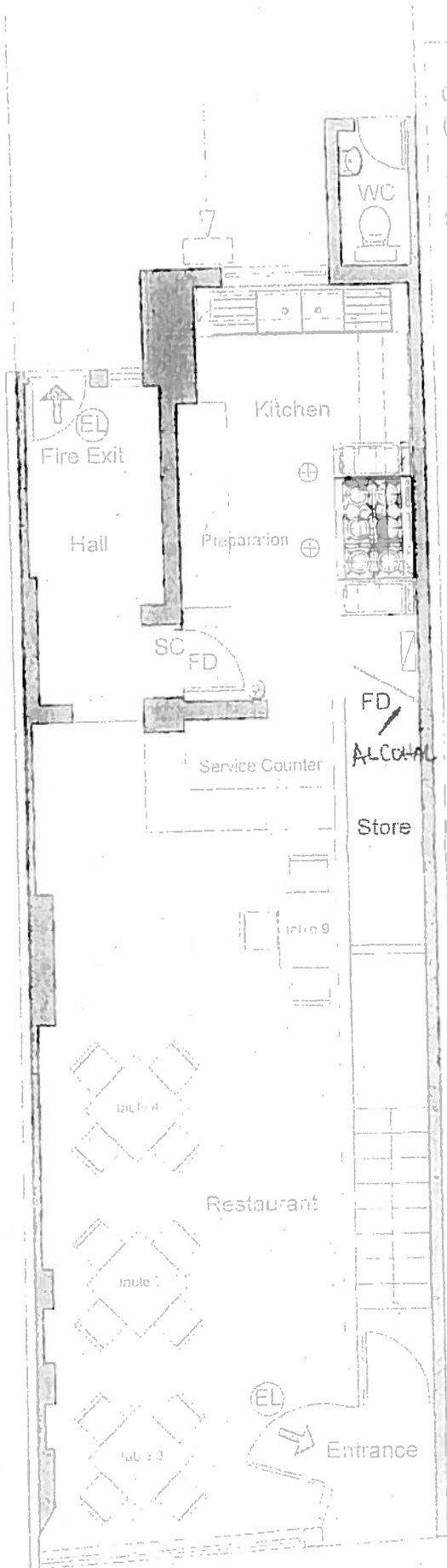
Capacity _____

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town	Postcode
-----------	----------

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



Cooker Extract Details:
(Commercial Stainless Steel)

1. Canopy size 920mmx1530mm
2. Air Speed moving across face of canopy 1000f/min, providing escape volume of 3.94 cu.M/sec
3. Speed of stale air moving through extract duct = 1000f/min
4. Canopy incorporates condense channel all around and contains 3-4 Nos. bottle type grease filters, 2 Nos. bulk head lights of 100 watts each.

Duct Details:

GSS extract picks up stale air from the canopy then runs right to ceiling and through carbon filter above the flat roof and fitted with AV mounted fans. At Exit a silencer will be fitted in order to reduce noise. It then discharges the stale air 2.0 metres above eaves line on the main building as shown on rear elevation.

LEGEND:

- (EL) Emergency Lighting
- Fire Escape Route
- ⊕ Mains operated interlinked smoke detector
- ⊕ SD Mains operated interlinked smoke detector
- ⊕ HD Mains operated interlinked smoke detector
- FD Fire Blankets
- SC Self-Closing Door
- FD 1/2 hr Fire Door
- ⊙ Fire Extinguisher

Ground Floor - Proposed

AUTOMATIC FIRE ALARM BS 5659 Part 1

Appendix 1A- Copy of existing Premises Licence.

PREMISES LICENCE SUMMARY

Receipt: AG1074842

Premises Licence Number: LN/000013122

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
6th Floor Alexandra House, 10 Station Road,
Wood Green, London, N22 7TR**

Signature:..........

Date: 28th August 2014
15th June 2015

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**THE VILLAGE
118 WEST GREEN ROAD
TOTTENHAM
LONDON
N15 5AA**

Telephone: 020 3601 7474

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Sunday to Thursday 1200 to 2230

Friday to Saturday 1200 to 0000

The opening hours of the premises:

Sunday to Thursday 1200 to 2300

Friday to Saturday 1200 to 0030

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption **ON** the premises, ancillary to a meal



PREMISES DETAILS [CONT'D]

Name, (registered) address of holder of Premises Licence:

Mediwa Basirika
23 Mount Pleasant Road
Tottenham
London
N17 6TR

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Mediwa Basirika

State whether access to the premises by children is restricted or prohibited:

Only children accompanied by an adult are permitted on the premises

LICENSING ACT 2003
Sec 24



Haringey Council

PREMISES LICENCE

Receipt: AG1074842

Premises Licence Number: LN/000013122

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
6th Floor Alexandra House, 10 Station Road,
Wood Green, London, N22 7TR**

Signature:.....*E. M. Calan*.....

Date: 28th August 2014
15th June 2015

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**THE VILLAGE
118 WEST GREEN ROAD
TOTTENHAM
LONDON
N15 5AA**

Telephone: 020 3601 7474

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Sunday to Thursday 1200 to 2230

Friday to Saturday 1200 to 0000

The opening hours of the premises:

Sunday to Thursday 1200 to 2300

Friday to Saturday 1200 to 0030

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption **ON** the premises, ancillary to a meal



LICENSING ACT 2003
Sec 24

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Mediwa Basirika
23 Mount Pleasant Road
Tottenham
London
N17 6TR

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Mediwa Basirika
23 Mount Pleasant Road
Tottenham
London
N17 6TR

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence: LN/000007070
Issued by: The London Borough of Haringey

Annex 1 –Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

Annex 1 –Mandatory Conditions

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –
$$P = D + (D \times V)$$
Where –
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

Annex 1 –Mandatory Conditions

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

RESTAURANT CONDITION:

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person ancillary to his meal.

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

A digital CCTV system will be installed in the premises.

Cameras must be sited to observe the entrance doors from inside.

Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

Provide a linked record of the date, time, and place of any image.

Provide good quality images - colour during opening times.

Have a monitor to review images and recorded quality.

Be regularly maintained to ensure continuous quality of image capture and retention.

Staff trained in operating CCTV.

Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.

An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

No sale or supply of hot food or drink will be permitted after 23.00pm

All alcohol sales will be ancillary to substantial food.

No customers are permitted entry after 23.00pm

No more than three customers are permitted at the front of the premises to smoke at any one time.

No drinks are permitted to be taken outside of the premises

The following hours will apply:

Supply of alcohol:

Friday to Saturday- 12.00 to Midnight

Hours open to the public:

Friday to Saturday- 12.00 to 00.30

Staff will undergo training to acquire awareness of how to prevent crime and disorder and prevention of drug sales on the premises.

The Licensee will cooperate with the police when required.

PUBLIC SAFETY

Clear and legible signage will be displayed

Annex 2 – Conditions consistent with the Operating Schedule

Health and Safety standards will be met on the premises.

Inspection certificates will be kept on the premises.

THE PREVENTION OF PUBLIC NUISANCE

Prevention of nuisance from noise / vibration

The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible. Where necessary adequate and suitable mechanical ventilation should be provided to public areas

Structure borne noise

All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties

Outside Areas

No music will be played in, or for the benefit of patrons in external areas of the premises

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises

Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours

Deliveries and collections

Deliveries and collections associated with the premises will be arranged between the hours 08:00-20:00 so as to minimise the disturbance caused to the neighbours

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed

Plant and machinery

All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise

Dealing with complaints

A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers

Patrons entering/exiting premises

There will be no queuing outside the premises.

Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner

Annex 2 – Conditions consistent with the Operating Schedule

Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner

Prevention of nuisance from litter

Adequate receptacles for use by patrons will be provided.

Prevention of Nuisance from Odour

All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.

Prevention of nuisance from light

Illuminated external signage shall be switched off when the premises is closed

Security lights will be positioned to minimise light intrusion to nearby residential premises.

Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

THE PROTECTION OF CHILDREN

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

All relevant staff will be regularly trained in the prevention of underage sales including; knowledge of the law and guidance on how to assess age and recognise acceptable ID. Such ID must bear a photograph, date of birth and a holographic mark

A written record will be kept of staff training confirming they have understood the legal requirement

A refusals register will be kept available for inspection by authorised officers

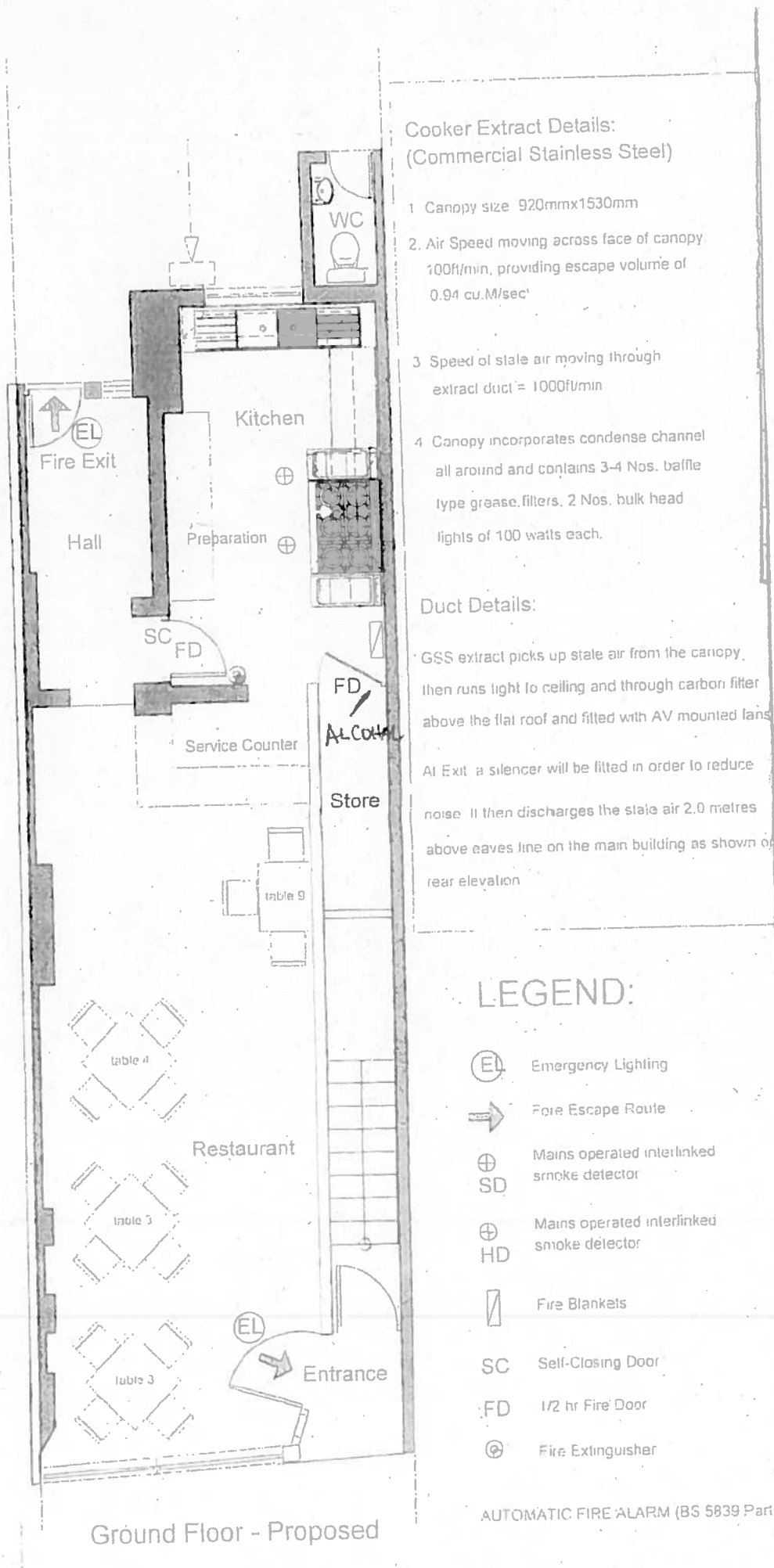
The 'Challenge 21' policy will be implemented.

Only children accompanied by an adult are permitted on the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans



Appendix 2 – Letter of representation from Licensing Authority



Ref:

Date: 24th November 2015

Miss Mediwa Basirika
The Village
118A West Green Road
Tottenham
London
N15 5AA

Dear Sir/Madam,

RE: APPLICATION FOR A PREMISES LICENCE FOR THE VILLAGE, 118 WEST GREEN ROAD, TOTTENHAM, LONDON, N15 5AA - REPRESENTATION

I am writing to make representation in regard to your application for a variation of the premise at The Village, 118 West Green Road London N15. The conditions offered in the application form do not reflect any consideration being given to the make up of the local area and the potential impact the business may have if it were to go for later hours.

In determining what conditions are appropriate, it will be necessary to consider the individual circumstances of the premises, including:-

- The nature and style of the venue,
- The activities being conducted there,
- The location, and,
- Anticipated clientele.

We are unable to support any increase in hours at this premises as we feel that the premises is not suitable for the extended hours now being requested by the applicant. The application is seeking to offer regulated entertainment to the early hours of the morning also. We feel that the close proximity of residential premises will be severely impacted by any such additional activity and or increase in hours.

We feel that the following hours should apply:

Supply of Alcohol	
Sunday to Thursday	1200 to 2230
Friday to Saturday	1200 to 0000

Supply of alcohol for consumption **ON** the premises, ancillary to a meal

Regulated Entertainment:

Live Music should be limited to:
Sunday-Saturday 1200 to 22.00

Late Night Refreshment
Friday-Saturday only 23.00-23.30pm

The opening hours of the premises:

Sunday to Thursday 1200 to 2300
Friday to Saturday 1200 to 0030

The premises was visited on Friday 20th November at which time the licensee was unable to tell us what the times on the current licence was for licensable activity. When asked what time she stopped serving food she replied '1am sometimes earlier'. We had to then point out that the licence did not provide for late night refreshment currently and that the premises was to be closing at 12.30am under the current licence.

The CCTV system on the premises was also not adequate and could not be operated by the Licensee.

The music being played within the premises could be heard from outside and would certainly be intrusive to the nearest residential properties. The entrance to the premises is also next to the entrance to the residential properties above. The premises is not suitable for late night music as the fabric of the building offers no protection from noise break out from the restaurant.

The Authority also considers that it is imperative to have a balance between the needs of the business and the needs of local residents to ensure there is no adverse impact on the community.

Licensing Authority

Licensing Team
Level 6, Alexandra House
10 Station Road
London, N22 7TR

T 020 8489 8232
E licensing@haringey.gov.uk

www.haringey.gov.uk

Haringey Council – Enforcement Response team		Observation Record
Date: <i>2³/14</i>	Prosecution ref: WK	Complaint ref: WK <i>27/14 9/11</i>
Time rec'd: <i>0304</i>	FPN ref: WK	Notice ref: WK
Noise from	Address: <i>118 West Green Rd. 115</i> single family house / flat	HfH PSL O/Occ Priv Rent RSL Non-domestic
Type of Noise: <u>Music</u> / Voices . / Alarm / Dog / Banging / Ventilation / <u>Other</u>		
Complainant's Details		HfH PSL O/Occ Priv Rent RSL Non-domestic
Name: <i>Mark Arevalo</i>		
Address: <i>118 West Green Rd</i>		
Tel no: <i>07554 426 335</i>		
History Check (Complete this before visit)		
i) On Action List? Yes No WL / S 80 / S 60 / Prosecution / Caution / SWL / FPN and date		
ii) On potentially violent (PV) List? Yes No		
Instructions if on PV list:		
Telephone Calls to Complainant: Time: <i>0310</i> Result of Call: <i>Dist.</i>		
Time: Result of Call:		
Time: Result of Call:		
Visit to Complainant / Area: Arrival Time: <i>0329</i> Departure Time: <i>Rept.</i>		
Occupier Name Tenancy commenced Date:		
Source of Information: Council Tax / NNDR HfH OHMS RSL name		
If HfH or RSL: name of TMO or Housing Manager		
NS21 October 2013		

Observations

Attended location, found premises still open with approx 20 people inside, eating and drinking.

Spoke to male in charge who stated it was a wedding party, many late and were having something to eat and drink. No trace of premises cooking or serving drinks (Party brought in from fr.)

Refused male re planning time limits.

No music being played on site, although did notice a DJ mixer setup behind counter.

Refused male to sign any matter will be reported.

M3 multi source outcome codes

- DN01 No visit - noise stopped
- DN02 No visit - other
- DN03 No visit - out of remit
- DN12 No visit - call cancelled
- DN13 No time to visit
- DN14 No visit - no response complainant
- DN04 Nuisance confirmed, reported
- DN05 Nuisance confirmed abated
- DN06 Nuisance not established
- DN09 No officer on duty
- DN07 Noise not on now response
- DN08 Proactive completed
- DN10 Licensing response
- DN11 Planning response

Action: 1st Advisory letter / EPA - WL / EPA S80 notice / CoPA letter / CoPA S60 notice

ASBAT referral / Special WL following notice / Offence / FPN / Other: circle all that apply

I certify that the enforcement action taken is in accordance with the Council's enforcement policy

Signed: *[Signature]* Name: *C. Buehler* Date: *2/14*

Haringey Council – Enforcement Response team		Observation Record
Date: 28 th /14	Prosecution ref: WK	Complaint ref: WK 271219
Time rec'd: 2310	FPN ref: WK	Notice ref: WK
Noise from	Address: 118 West Gen Rd N15 single family house / flat	HfH PSL O/Occ Priv Rent RSL Non-domestic
Type of Noise: Music / Voices / Alarm / Dog / Banging / Ventilation / <u>Other</u>		
Complainant's Details		HfH PSL O/Occ Priv Rent RSL Non-domestic
Name: No active		
Address:		
Tel no:		
History Check (Complete this before visit)		
i) On Action List? Yes No WL / S 80 / S 60 / Prosecution / Caution / SWL / FPN and date		
ii) On potentially violent (PV) List? Yes No		
Instructions if on PV list:		
Telephone Calls to Complainant: Time: Result of Call:		
Time: Result of Call:		
Time: Result of Call:		
Visit to Complainant / Area: Arrival Time: 2310 Departure Time: 16:50		
Occupier Name Tenancy commenced Date:		
Source of Information: Council Tax / NNDR HfH OHMS RSL name		
If HfH or RSL: name of TMO or Housing Manager		
NS21 October 2013		

Observations

Attended premises on a proactive visit, as a result of information received from Planning concerning opening hours, and licensing re. beer at the pub.

Attended at 23.0, approx 56 people inside taking no food being cooked or consumed. No music being played either.

Spoke to a male allegedly in charge, advised him re planning time limits on property. He wouldn't agree that it was till 2300, even though it was after that on my visit. Offered him to inform owner matter will be reported for breach of conditions.

M3 multi source outcome codes

- | | | |
|---|----------------------------------|-------------------------|
| DN01 No visit - noise stopped | DN04 Nuisance confirmed reported | DN10 Licensing response |
| DN02 No visit - other | DN05 Nuisance confirmed abated | DN11 Planning response |
| DN03 No visit - out of remit | DN06 Nuisance not established | |
| DN12 No visit - call cancelled | DN09 No officer on duty | |
| DN13 No time to visit | DN07 Noise not on now response | |
| DN14 No visit - no response complainant | DN08 Proactive completed | |

Action: 1st Advisory letter / EPA - WL / EPA S80 notice / CoPA letter / CoPA S60 notice

ASBAT referral / Special WL following notice / Offence / FPN / Other circle all that apply

I certify that the enforcement action taken is in accordance with the Council's enforcement policy

Signed: *[Signature]* Name: *Chelso* Date: 28/4

Planning Enforcement
Planning & Regeneration
Place and Sustainability Directorate
6th Floor
River Park House
225 High Road
London
N22 8HQ



12 January 2014

Dear Sir/Madam,

**PREMISES LICENCE BREACHES/NOISE NUISANCE AND CLUB-TYPE ACTIVITY
SHOP AT 118 WEST GREEN ROAD, LONDON N15 5AA**

The above opened as a takeaway in September 2013 and has been a continual noise nuisance since this time. I have reported it to the Haringey Noise Team several times, who visited and issued two separate warnings to the proprietor George Akolbire. Unfortunately, the nuisance still continues and the warnings have had no effect.

We understand that Mr Akolbire only has planning permission to operate until 11pm, which was kindly confirmed by Daliah Barrett, Licensing Manager at Haringey Council. However, the music, cooking/customer activity/shouting/banging usually goes on to between 1.00am and 2.30am on most days, sometimes 3.30am at weekends.

Please can you let me know if it's possible for Haringey Council to order/serve notice to Mr Akolbire to finish trading at 11pm as per his licence? I have kept a record of activity for December and started January (attached).

Yours faithfully,



Alleged Noise Nuisance/Out of Hours/Licence Trading Diary

Signed:



Date: 12 January 2014

Address where noise originates: Shop at 118 West Green Road, N15 5AA

This log is true to the best of my knowledge and belief and I make it known that if tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false or do not believe to be true.

Date	Duration Times		Description of Noise	How does the noise affect you
1-12-13	15.00	03.30	Very loud music, shouting, banging **	Daytime; cannot escape constant booming through everything in the flat, tv, etc. Impossible to concentrate on anything, relax or have a conversation between ourselves. Living to constant soundtrack. Evening/Late night/Early morning; cannot relax or sleep for noise. Losing sleep, feeling tired, becoming anxious, losing concentration and resultant stress at work. Never look forward to coming home and relaxing in anymore.
3-12-13	18.00	01.30	Loud music, banging **	
4-12-13	18.00	00.30	Loud music, banging **	
5-12-13	18.00	02.00	Loud music, shouting **	
6-12-13	16.00	02.30	Very loud music, shouting, T372677 *	
7-12-13	18.30	01.00	Loud music **	
8-12-13	14.30	03.30	Very loud music, shouting, banging **	
Away				
14-12-13	15.50	00.20	Very loud music, shouting, T379 453 *	* Council Noise Team call ref. * Noise Team visit/formal warnings ** Called proprietor to turn down
15-12-13	14.45	18.30	Very loud music, shouting, T380 456 *	
18-12-13	18.00	00.15	Loud music, banging **	
20-12-13	17.30	23.25	Very loud music, shouting, T384 668 * * * **	
21-12-13	18.30	02.30	Loud music, banging **	
22-12-13	?	01.25	Loud music, T? lost ref *	
Away				
26-12-13	15.20	18.15	Very loud music, shouting, T391 781 * * * **	
27-12-13	17.30	00.45	Loud music, banging **	
28-12-13	14.30	01.30	Loud music, banging **	
29-12-13	15.00	18.30	Very loud music, shouting T397 133M5H *	

Appendix 3- Letter of representation from Met Police.



**METROPOLITAN
POLICE**

TOTAL POLICING

TERRITORIAL POLICING

YR - Haringey Borough

Mrs D Barrett

Haringey Council Licensing
Alexandra House
Station Road
London N22

Quicksilver Patrol Base
Unit 1 Quicksilver Place
Western Road
London
N22 6UH

Telephone: 020 32760150

Email: Mark.Greaves@met.police.uk
www.met.police.uk

7th December 2015

Dear Mrs Barrett

POLICE OBJECTION NOTICE to a Variation of a Premises Licence

Name of Licence holder: Mediwa Basirika

Venue: The Village, 118 West Green Road N15

This application relates to an increase in operating hours from:

Supply of alcohol: Sunday - Thursday 1200 - 2230 Friday to Saturday 1200 - 0000

Opening Hours: Sunday - Thursday 1200 - 2300 Friday - to Saturday 1200 - 0030

To:

Supply of alcohol: Sunday - Saturday 0600 - 0330 Opening Hours: Sunday - Saturday 0600 - 0400 with music throughout opening hours.

Myself and Daliah Barrett visited the venue at 2230 on Friday 20th November 2015 and met Ms Basirika. A Condition on the premises Licence states: 'All alcohol sales will be ancillary to substantial food.' I saw 9 clients with alcohol and 2 of them had empty plates on their table. Ms Basirika assured me everyone had finished their meal.

The Premises Licence has a Condition that there should be an 'Incident Book' but Ms Basirika did not have one. The Premises Licence has a Condition relating to CCTV standards including 'full frame head shots of persons entering but Cam 2 covering the door was average quality but did not record images as required, image was of full person entering so smaller facial image. Cam 1 recorded inside venue seating area and was poor quality with unidentifiable images. Cam 3 was poor quality and covered behind the counter. Cam 4 was poor quality and covered rear yard of venue. I asked about facilities to burn off images for Police, as per licence, but Ms Basirika know nothing about the CCTV system and neither she nor anyone else in venue could operate the system to show images of previous events as required on Licence. She told me her brother could operate the CCTV.

When Ms Barrett asked her what time she stopped serving she replied 'I am sometimes earlier'. Ms Barrett pointed out the licence did not contain late night refreshment entitlement. I asked Ms Basirika if she could turn down the music as it was so loud it was difficult to converse with her and could be heard outside so she did.

Police feel the CCTV system Condition is not being adhered to and neither was the Condition relating to alcohol with food sales. I did ask to view CCTV of the evening to ascertain if the Condition had been adhered to but as stated above Ms Basirika stated she could not operate the system to that extent.

The application is to virtually operate 24 / 7 in a residential area. A similar venue in same street nearby had it's Premises Licence revoked after 2 incidents of serious violence late night / early morning and Police feel Ms Basirikas lack of knowledge / concern regarding the times / conditions on the licence may lead to alcohol crime / disorder in the early hours.

Yours sincerely,

Mark Greaves
Licensing Officer Haringey Police

Appendix 4- Letters of representation from residents.

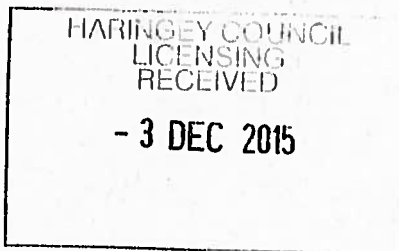
We need this club, like a hole in the head! This area needs to go FORWARD not BACKWARDS

Your name/address

[Redacted name and address]

Representation on licence application for:

The Village
118A West Green Road
London
N15 5AA



Name of licensee: Medina Basirika

The prevention of crime and disorder/public nuisance

The West Green Road has been a 'sensitive' area for many years and the Council's efforts since the riots (more cameras, upgrading shop fronts, communal garden, etc) have had a positive impact on the local community here. However, there are still regular occurrences of violence and abusive behaviour, and gatherings on the street, particularly at night/early hours of the morning.

As an example, When the Fountain pub (1.30-2.00am on Fridays/Saturdays) closes, a stream of people can be heard shouting, singing and sometimes fighting, cars revving their engines hard, racing, urinating and vomiting. If an additional premises were opened nearby, it would simply act as a focal point for all these people to go to, creating a new centre for determined drinkers from all over the locality.

This part of West Green Road has residential accommodation and also above shops/takeaways. Nearly all the shops operate between normal hours. A club operating all day to 4am would generate disturbing and intrusive levels of noise from music, talking/shouting, people traffic (coming and going), noise of cars parking/leaving all night/morning.

The area is improving slowly, the new flats at Lawrence Square (25 metres away) will bring 1800 new residents and their families from December, this is the kind of neighbourhood I want to live in, not one dominated by a club offering loud music and alcohol until 4 in the morning. It would be a big step backwards and undo the Council's good work here.

Public safety

During the day and night, the presence of customers standing on the street, smoking and intoxicated will cause people to avoid the vicinity, especially mothers with children and the elderly. There are a lot of obviously heavy drinkers in the area and encouraging these people is again a complete step backwards and compromises public safety. The increase in traffic will also put safety at risk in an already busy area.

Protection of children from harm

The area is becoming a better place for children to grow up in, the idea of having a club selling alcohol, purveying loud/club music and resultant anti-social behaviour on their doorstep, next to their homes, where they walk to and from school, does not create a good and safe environment for children.

I, [Redacted] hereby declare that all information I have submitted is true and correct.

Signed: [Redacted Signature]

Date: 25th 11. 2015

HARINGEY COUNCIL
LICENSING
RECEIVED

- 3 DEC 2015

Your name/address

[Redacted signature and address area]

Representation on licence application for:

The Village
118A West Green Road
London
N15 5AA

Name of licensee: Medina Basirika

The prevention of crime and disorder/public nuisance

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... hereby declare that all information I have submitted is true and correct.

Signed:

Date: 25th Nov 2015

LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

Personal Details	
Name.....	HARINGEY COUNCIL LICENSING RECEIVED - 3 DEC 2015
Address.....	
Postcode...L.....	

Licence application you wish to make a representation on
<i>You do not need to answer all of the questions in this section, but please give as much information as you can:</i>
Application Number.....
Name of Licensee.....
Name of Premises (if applicable)..... THE VILLAGE
Premises Address (where the Licence will take effect)..... 118 A WEST GREEN ROAD
Postcode... N15 5AA

Reason/s for representation
<i>Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered (please see Haringey Council's leaflet Variations, Representations and Appeals for Premises Licences and Club Premises Certificates).</i>
<i>Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.</i>

From:-

[Redacted]
[Redacted]
[Redacted]

1/12/15

Dear Sir Madam,

Thanks for involving me in this because I live upersit this Resturant and they are very noisey so I am asking you please dont give them no licence for that night club drinkig just keep it quiet in our neighbour hood

Thanks

Yours truly

[Redacted]

HARINGEY COUNCIL
LICENSING
RECEIVED
- 2 DEC 2015

Representation on licence application for:

The Village
118A West Green Road
London
N15 5AA

Name of licensee: Medina Basirika

The prevention of crime and disorder/public nuisance

The West Green Road has been a 'sensitive' area for many years and the Council's efforts since the riots (more cameras, upgrading shop fronts, communal garden, etc) have had a positive impact on the local community here. However, there are still regular occurrences of violence and abusive behaviour, and gatherings on the street, particularly at night/early hours of the morning.

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Public safety

During the day and night, the presence of customers standing on the street, smoking and intoxicated will cause people to avoid the vicinity, especially mothers with children and the elderly. There are a lot of obviously heavy drinkers in the area and encouraging these people is again a complete step backwards and compromises public safety. The increase in traffic will also put safety at risk in an already busy area.

Protection of children from harm

The area is becoming a better place for children to grow up in, the idea of having a club selling alcohol, purveying loud/club music and resultant anti-social behaviour on their doorstep, next to their homes, where they walk to and from school, does not create a good and safe environment for children.

I, , hereby declare that all information I have submitted is true and correct.

Signed: 

Date: 18.11.2015

LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).


Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

Personal Details
Name..... [REDACTED]
Address..... [REDACTED] [REDACTED] [REDACTED]
Postcode..... [REDACTED]

Licence application you wish to make a representation on
<i>You do not need to answer all of the questions in this section, but please give as much information as you can:</i>
Application Number..... <i>n/a</i>
Name of Licensee..... <i>MEDINA BASIRIKA</i>
Name of Premises (if applicable)..... <i>THE VILLAGE</i>
Premises Address (where the Licence will take effect)..... <i>118A WEST GREEN ROAD, LONDON</i>
Postcode..... <i>N15 5AA</i>

Reason/s for representation
<i>Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered (please see Haringey Council's leaflet Variations, Representations and Appeals for Premises Licences and Club Premises Certificates).</i>
<i>Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.</i>

The Prevention of Crime and Disorder <i>Please see attached</i>
Public Safety <i>Please see attached</i>
The Prevention of Public Nuisance <i>Please see attached</i>
The Protection of Children from Harm <i>Please see attached</i>

I,  hereby declare that all information I have submitted is true and correct.

Signed: 

Date: 18.11.2015

Please send completed form to:

Haringey Council Licensing Team
Alexandra House,
Level 6,
10 Station Road,
Wood Green
London, N22 7TR

REPRESENTATION ON LICENSE APPLICATION FOR:

The Village
118A West Green Road,
London
N15 5AA

HARINGEY COUNCIL
 LICENSING
 RECEIVED

27 NOV 2015

Name of licensee: Medina Basinka

Personal Details

Name: [REDACTED]

Address: [REDACTED]

The Prevention of Crime and Disorder

West Green Road has long been a sensitive area, but the Council's recent efforts have had a positive impact on the local community and the overall character of the neighbourhood, e.g. Improved shop frontages, new public space/garden at Seven Sisters end of the road etc. However there are still regular cases of violence, aggression, intimidating gatherings on the street and anti-social behaviour, particularly at night. The new premises would simply act as an additional focal point for this.

The Prevention of Public Nuisance

This particular part of West Green Road has a lot of residential accommodation, particularly above the shops and on Lawrence Road. We in fact live in Lawrence Yard, which The Village backs on to, and this is already a rather unpleasant place, attracting a variety of unsavoury activity, suspicious/antisocial behaviour and probable criminality. We already have to put up with people urinating/vomiting in the lane, talking and shouting during the night, cars revving and loud music from parties. The new establishment would make this much worse, particularly the intrusion of loud club music on a nightly basis.

Public Safety

West Green Road is already quite an aggressive environment. The new premises would lead to customers standing on the street, smoking and intoxicated. People are likely to feel intimidated walking past such an establishment and young families and the elderly will avoid the area. There are already a lot of drinkers in the area (it is common to see people standing or walking in the street with bottles/cans in brown paper bags, obviously at some stage of inebriation) and encouraging this behaviour is a step backwards, compromising public safety.

The Protection of Children from Harm

The area is slowly becoming more 'child-friendly' and the nearby mosque attracts a lot of children at various times during the week. Introducing a club selling alcohol and playing loud music does not create a good environment for children to live and play.

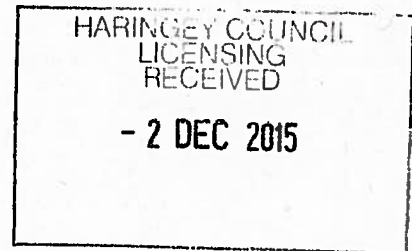
I, Louise Ingledow, hereby declare that all information I have submitted is true and correct.

Signed: [REDACTED]

Date: 27/11/2015

Representation on licence application for:

The Village
118A West Green Road
London
N15 5AA



Name of licensee: Medina Basirika

The prevention of crime and disorder/public nuisance

The West Green Road has been a 'sensitive' area for many years and the Council's efforts since the riots (more cameras, upgrading shop fronts, communal garden, etc) have had a positive impact on the local community here. However, there are still regular occurrences of violence and abusive behaviour, and gatherings on the street, particularly at night/early hours of the morning.

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Public safety

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Protection of children from harm

The area is becoming a better place for children to grow up in, the idea of having a club selling alcohol, purveying loud/club music and resultant anti-social behaviour on their doorstep, next to their homes, where they walk to and from school, does not create a good and safe environment for children.

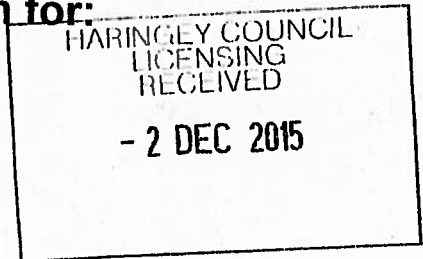
I,  hereby declare that all information I have submitted is true and correct.

Signed: 

Date: 30/11/15

Representation on licence application for:

The Village
118A West Green Road
London
N15 5AA



Name of licensee: Medina Basirika

The prevention of crime and disorder/public nuisance

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I,  hereby declare that all information I have submitted is true and correct.

Signed: 

Date:  29-11-2015



Representation on licence application for:

The Village
118A West Green Road
London
N15 5AA

Name of licensee: Medina Basirika

The prevention of crime and disorder/ public nuisance

Local politicians have been working hard over the last number of years to create a welcoming community. However, there are still occurrences of violence and abusive behaviour, particularly at night/ early hours of the morning. There are often remnants on the road and pavement of car windows having been smashed in. As a result, local residents are reluctant to park their vehicles where there is footfall from late night premises. Having another late night operation in the area will only intensify this. Also, as the proposed new premises is open 2 hours longer than the local Fountain pub, it will create a new centre for determined drinkers from all over the locality.

The lane that runs behind the proposed beer garden for the establishment leads to Lawrence Yard a quiet residential pocket in North London, which is unique difficult to find. Unfortunately, because of it's secluded nature it is often used as a urinal, a place to gather for drinking and consuming other substances, as well as other nocturnal activity. The remains of these activities can be seen when you step out in the morning. Should planning for The Village go ahead, these activities will intensify, as those needing privacy will make use of the lane. This will cause a huge disruption to the residents of Lawrence Yard as bedrooms and living spaces face onto the lane.


With the new development in Lawrence Square attracting new people and families to the area, I don't think loud music and alcohol will endear them to the area.

Public safety

During the day and night, the presence of customers standing on the street, smoking and intoxicated will cause people to avoid the vicinity, especially mothers with children and the elderly. There are a lot of obviously heavy drinkers in the area and encouraging these people is again a step backwards and compromises public safety. The increase of traffic will also put safety at risk in an already busy area.

Protection of children from harm

Children from the local Masjid play on the lane where the proposed patio/garden will lead. With the remains of the night before visible on the lane, it will not be a safe or pleasant environment for children.

I, , hereby declare that all information I have submitted is true and correct.



6.12.15



Representation on licence application for:

The Village
118A West Green Road
London
N15 5AA

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6.12.15

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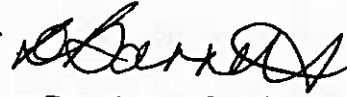
Report for: Licensing Sub Committee - 21st December 2015

Item number:

Title: Revocation of a street trading licence

Report

authorised by : Daliah Barrett-Licensing Team Leader



Lead Officer: Daliah Barrett – Licensing Team Leader -Regulatory Services.
0208489 8232. Daliah.barrett@haringey.gov.uk

Ward(s) affected: 'NP'

Report for Key/

Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 This report relates to a matter for the revocation of a street trading licence for the following reasons under section 28 of the London Local Authorities Act 1990:

“ (e) that since the grant or renewal of the licence, the licence holder has for a period of four weeks or more failed to pay fees or charges due to the borough council in connection with the street trading licence”

2 Recommendations

That the street trading licence of the reported trader identified in Appendix A (as identified in the closed report) be revoked on the grounds of non-payment of licence fees.

3. Background

- 3.1 The Act asks that the Council serve on the trader a notice stating that revocation is proposed and offering the opportunity to appear before the committee. The notice gives the trader 21 days notice to make any representations, the notice was sent on 27th November 2015.
- 3.2 Under the Act, revocation or variation are the only sanctions open to the committee, i.e. they cannot suspend a licence.
- 3.3 If the committee do decide to revoke or vary a licence, the licence holder then has rights to appeal to the magistrate's court, and thereafter to the Crown Court. The licence holder is entitled to continue trading until such time as any such appeal has been determined.
- 3.4 The trader was sent a statutory notice under Section 29 of London Local Authorities Act 1990 (as amended) notifying him/her of the intention to revoke his/her licence.

4. Policy Implications

4.1 To advise the committee of trader's non-compliance with his/her street trading licence conditions, non-exercising of trading rights and to seek the Committee's authority to revoke his/her street trading licence.

4.2 Effect of proposed changes on those affected

The Street Trading account is ring fenced, operating on a break even basis. The fees are kept as low as financially possible, but this can only happen if all traders adhere to the licence conditions and pay fees before their monthly trading as specified in the London Local Authorities Act 1990 (as amended 1994).

4.3 Resource implications

Monitoring accounts, sending reminder letters, meeting with trader(s), confirming contents of meeting in writing being time consuming and costly, which is financed from Street Trading account.

4.4 If a street trading licence is revoked, the resultant vacancy will be advertised and the licence granted in accordance with Council policy. Therefore no adverse impact foreseen on the Street Trading account provided there is no delay in filling the vacancy. The Street Trading account is a ring fenced account outside General Fund and operates on a cost recovery basis.

4.5 Equalities impact

This decision has been judged to have no or a very small impact on local people and communities. The trader has broken his/her license conditions and therefore his/her license is being revoked, the decision has an impact solely on the trader.

4.6 Legal implications

i) This report recommends that the street trading licences be revoked on the grounds of persistent non-payment of fees in accordance with Section 28(1)(e) of the London Local Authorities Act 1990 (as amended).

ii) It is a requirement of the Act that before revoking any licences, the Council shall have given the licence holder not less than 21 days previous notice in writing that revocation is proposed. This notice must also specify the grounds on which such a decision would be based and give the licence holder the opportunity to appear before the committee, sub-committee or officer determining the matter. The decision cannot be taken until after the 21 day period has expired. The Council is also obliged to consider any representations made by the licence holder.

iii) Section 28 (2) of the Act states that the Council may instead of revoking a licence, vary it by attaching further specified conditions; (a) reducing the numbers of days in any week or the period in any one day during which the licence holder is permitted to trade; (b) specifying a different licence street or position or place at which the licence holder may trade; (c) restricting the items which licence holder is permitted to sell.

iv) If the Council should decide to revoke or vary the licence, it must notify the licence holder in writing of this decision, and of the grounds for revocation/variation and notify him/her of his/her right of appeal. As the report states, an appeal may be brought in

the first instance, to the magistrates court. This is within a period of 21 days from notification in writing of the Council's decision to revoke. A further appeal may be brought to the Crown Court. In each case, the appeal would effectively be by way of re-hearing.

- vi) The Council has a duty in considering this matter to take account of all relevant considerations and disregard any matters of irrelevance. In doing so, it must have regard to the rules of natural justice. This is in addition to complying with procedural requirements set out in the statute.

5. Other considerations

5.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- o Article 8 – Right to respect for private and family life.
- o Article 1 of the First Protocol – Protection of Property
- o Article 6(1) – Right to a fair hearing.
- o Article 10 – Freedom of Expression

6 Use of Appendices

Appendix 1- Exempt Papers.

Appendix 2- LLA 1990

Appendix 3- Copy of conditions attached to licences.

APPENDIX 2

COPY OF LONDON LOCAL AUTHORITIES ACT 1990

those conditions until the time for bringing an appeal under section 14 (Appeals) of this Act has expired and where an appeal is brought under the said section 14 against such conditions the licence shall be deemed to be free of them until the determination or abandonment of the appeal.

PART II
—cont.

20. Part VIII of the Greater London Council (General Powers) Act 1968 and the Late Night Refreshment Houses Act 1969 shall cease to have effect in a borough on the day which the council of that borough resolves to be the appointed day for the purposes of this Part of this Act.

Repeal.
1968 c. xxxix.
1969 c. 53.

PART III

STREET TRADING

21.—(1) In this Part of this Act—

Interpretation of
Part III.

“grant”, unless the context otherwise requires, includes renew and renewal, and cognate words shall be construed accordingly;

“ice cream trading” means the selling, exposing or offering for sale of goods consisting wholly or mainly of ice cream, frozen confectionery or other similar commodities from a vehicle;

“itinerant ice cream trading” means ice cream trading from a vehicle which goes from place to place remaining in any one location in the course of trading for short periods only;

“licence street” means a street designated under section 24 (Designation of licence streets) of this Act;

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

“street” includes—

(a) any road or footway;

(b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;

(c) any part of such road, footway or area;

(d) any part of any housing development provided or maintained by a local authority under Part II of the Housing Act 1985;

1985 c. 68.

“street trading” means subject to subsection (2) below the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward;

“street trading licence” means a licence granted under this Part of this Act and valid for the period specified therein being not less than six months and not more than three years;

“temporary licence” means a licence granted under this Part of this Act valid for a single day or for such period as may be specified in the licence not exceeding six months.

(2) The following are not street trading for the purposes of this Part of this Act:—

(a) trading by a person acting as a pedlar under the authority of a Pedlar's Certificate granted under the Pedlars Act 1871;

1871 c. 96.

10

c. vii

London Local Authorities Act 1990

PART III
—cont.

1980 c. 66.

- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of any enactment or order;
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
- (d) trading as a news-vendor provided that the only articles sold or exposed or offered for sale are newspapers or periodicals and they are sold or exposed or offered for sale without a receptacle for them or, if with a receptacle for them such receptacle does not—
 - (i) exceed 1 metre in length or width or 2 metres in height; or
 - (ii) occupy a ground area exceeding 0.25 square metre; or
 - (iii) stand on the carriageway of a street; or
 - (iv) cause undue interference or inconvenience to persons using the street;
- (e) selling articles or things to occupiers of premises adjoining any street, or offering or exposing them for sale from a vehicle which is used only for the regular delivery of milk or other perishable goods to those persons;
- (f) the use for trading under Part VIIA of the Highways Act 1980 of any object or structure placed on, in or over a highway;
- (g) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- (h) the doing of anything authorised by regulations made under section 5 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916;

1916 c. 31.

1976 c. 57.

- (i) trading in a highway in relation to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply; and
- (j) the sale, exposure or offer for sale or offer or provision of services on any land comprised in a street (not being part of a highway) within the meaning of subsection (1) above by the owner or occupier of the land or by a bona fide employee of the owner or occupier of the land.

Application of
Part III.

22. This Part of this Act applies to the borough of a participating council as from the appointed day.

Licensing of
street traders.

23.—(1) Subject to the provisions of this Part of this Act it shall be unlawful for any person to engage in street trading (whether or not in or from a stationary position) in any licence street within a borough unless that person is authorised to do so by a street trading licence or a temporary licence.

(2) For the purposes of this Part of this Act a person shall be deemed to engage in street trading whether or not he regularly carries on the business of street trading.

Designation of
licence streets.

24.—(1) If a borough council consider that street trading should be licensed in their area they may from time to time pass any of the following resolutions:—

- (a) a resolution (in this Part of this Act referred to as a “designating resolution”) designating any street within the borough as a “licence street”;
- (b) a resolution specifying in relation to any such street or any part of a street any class or classes of articles, things or services which they will,

or other than which they will not, prescribe in any street trading licence granted by them in respect of that street;

and may from time to time by subsequent resolution rescind or vary any such resolution:

Provided that before passing a designating resolution, a borough council shall consult with the Commissioner of Police of the Metropolis on their proposal.

(2) At the appointed day for the purposes of this Part of this Act in a borough, the streets prescribed by any licences granted by the council of the borough in pursuance of powers contained in any of the enactments referred to in column (2) of Schedule 2 to this Act and then in force shall be deemed to have been designated as licence streets under a designating resolution.

(3) 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).

(4) A borough council shall not pass a resolution or rescind or vary a resolution under this section unless—

- (a) they have published notice of their intention to do so in a local newspaper circulating in their area;
- (b) they have served a copy of the notice on the highway authority for that street (unless they are that highway authority); and
- (c) where subsection (5) below applies, they have obtained the necessary consent.

(5) This subsection applies—

- (a) where the resolution relates to a street which is owned or maintainable by a relevant corporation; and
- (b) where the resolution designates as a licence street any street maintained by a highway authority;

and in subsection (4) above "necessary consent" means—

- (i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation; and
- (ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.

(6) The following are relevant corporations for the purposes of this section:—

- (a) British Railways Board;
- (b) London Regional Transport; and
- (c) an urban development corporation established under the Local Government, Planning and Land Act 1980.

1980 c. 65.

(7) The notice referred to in subsection (4) above shall—

- (a) contain a draft of the resolution to which it relates; and
- (b) state that representations relating to it may be made in writing to the borough council within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.

(8) As soon as practicable after the expiry of the period specified under subsection (7) above, the borough council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

PART III
—cont.

(9) After the borough council have considered those representations, they may if they think fit, pass such a resolution relating to the street as is mentioned in subsection (1) above.

(10) 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.

(11) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

Application for
street trading
licences.

25.—(1) An application for a street trading licence or renewal of such a licence shall be made in writing to the borough council, and in the case of an application for the renewal of a licence shall be made not later than two months or earlier than three months before the date on which that licence unless revoked or surrendered will cease to be valid:

Provided that nothing in this section shall prevent a borough council from renewing a licence, other than a temporary licence notwithstanding that application has been made for such renewal at a later date than aforesaid if they consider it reasonable in the circumstances so to do.

(2) In the application, the applicant shall state—

(a) in the case of an application by an individual, his full name and address and date of birth;

(b) in the case of an application for a licence to carry on ice cream trading—

(i) by a company incorporated under the Companies Acts, the name of the company and its registered office;

(ii) by a partnership, the names of its members and the address of its principal office;

(c) the licence street in which, the days on which and the times between which he desires to trade;

(d) the description of articles, things or services in which he desires to trade; and

(e) such other particulars, relevant to street trading, as the borough council may reasonably require;

and may in the case of an individual specify the name and address of a relative of his who is associated with, or dependent upon, the business of street trading in respect of which the application is made and to whom he desires the licence to be granted in any of the events specified in subsection (1) (a) of section 26 (Succession) of this Act.

(3) No later than the date on which he submits his application, the applicant shall hand to an authorised officer two identical full-face photographs of himself, taken within the preceding 12 months, signed by the applicant on the reverse except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice cream trading.

(4) A street trading licence—

(a) shall not be granted—

(i) to a person under the age of 17 years; or

(ii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice cream trading to a person, on a corresponding day, days or time, who holds a street trading licence in any other licence street granted under this Part of this Act but nothing in this paragraph shall prevent the renewal of such a licence; or

(iii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice cream trading to a body corporate or to an unincorporated association; or

(iv) in respect of an application for a licence which is not a temporary licence to trade in a street which is not a licence street; or

(v) where the street to which the application relates is a street in respect of which the borough council have by resolution passed under subsection (1) (b) of section 24 (Designation of licence streets) of this Act specified a class of articles or things, or services which they will not prescribe in any street trading licence and the grant of the licence would be contrary to any of the terms of that resolution;

(b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons or vehicular traffic using the street.

(5) Subject to subsection (4) above, the borough council shall grant an application for a street trading licence unless they consider that the application ought to be refused on one or more of the grounds specified in subsection (6) below.

(6) Subject to subsection (8) below the council may refuse an application on any of the following grounds:—

(a) that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;

(b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;

(c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence;

(d) that the applicant has at any time been granted a street trading licence by the borough council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;

(e) that the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposes to trade when street trading is not taking place;

(f) that—

(i) the application is for the grant (but not the renewal) of a street trading licence; and

(ii) the only available position is in that part of the street which is contiguous with the frontage of a shop; and

(iii) the articles, things or services mentioned in the application are sold or provided at the shop;

(g) that—

(i) the application is for the grant (but not the renewal) of a street trading licence; and

(ii) the only available position in the street is within the curtilage of a shop; and

(iii) the applicant is not the owner or occupier of the premises comprising the shop.

PART III
—cont.

(7) If the borough council consider that grounds for refusal exist under subsection (6) (a) or (c) above they may grant the applicant a licence which permits him—

- (a) to trade on fewer days or during a shorter period in each day than is specified in the application; or
- (b) to trade only in one or more of the descriptions of goods specified in the application.

(8) Subject to subsection (4) above if—

- (a) a person is at the appointed day licensed to trade in a street under the provisions of any local enactment; and
- (b) the street becomes a licence street under this Part of this Act; and
- (c) he was trading from a fixed position in the street immediately before it became a licence street; and
- (d) within two months from the appointed day he applies for a street trading licence to trade in the street;

his application shall not be refused.

(9) Subject to subsections (4), (6) and (8) above a borough council when considering applications for licences to trade in licence streets under this Part of this Act shall give preference to applications from persons who immediately before the appointed day were under the provisions of any local enactment authorised to trade in a street in the borough which is not a licence street.

(10) A borough council when considering applications for licences to carry on ice cream trading in a licence street shall treat all applicants, whether companies, partnerships or individuals, on an equal footing and in particular—

- (a) shall not treat individuals less favourably than companies or partnerships; and
- (b) as between applicants who are companies or partnerships, shall not treat any particular company or partnership more favourably than others.

(11) A licence holder may at any time surrender his licence to the borough council and it shall then cease to be valid.

Succession.

26.—(1) (a) When the holder of a licence who is an individual has specified the name and address of a relative to whom he desires the licence to be granted—

- (i) dies; or
- (ii) retires having reached the normal age for retirement; or
- (iii) notifies the borough council that owing to ill-health he is unable to continue to engage in the street trading permitted by the licence, and submits evidence to satisfy the borough council as to his ill-health;

the borough council shall not (except as provided in paragraph (b) of this subsection) grant a licence in respect of the position or place in a street at which the former licensee was entitled to engage in street trading under the authority of his licence until the expiration of 28 days from the date of the death of the licensee or his retirement or receiving the notification, as the case may be;

(b) If during the said period of 28 days the person specified by the holder of the licence, when making application for the licence, as the relative to whom he desired the licence to be granted in any of the events mentioned in paragraph (a) above makes application for the grant of a licence in respect of the position or place available in the street the borough council shall, save as provided by paragraphs (b) to (e) of subsection (6) of section 25 (Application for street trading licences) of this Act grant a licence to that person.

(2) For the purposes of this section a person shall be treated as being related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that he is so related only through an illegitimacy or in consequence of an adoption.

PART III
—cont.

27.—(1) A licence granted under section 25 (Application for street trading licences) of this Act, shall—

Conditions of
street trading
licences.

(a) unless it is revoked or surrendered, be valid for a period of three years from the date on which it is granted, or for such shorter period as the borough council may determine;

(b) specify the conditions; and

(c) in the case of an individual incorporate one of the photographs of the licence holder submitted under subsection (3) of the said section 25;

and on any occasion of the renewal of a licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

(2) Where a licence is granted to a company incorporated under the Companies Acts or to a partnership to carry on ice cream trading, any individual carrying on ice cream trading in accordance with that licence shall at all times while he is so trading carry with him a recent photograph of him authenticated by the company or on behalf of the partnership, as the case may be, which holds the licence.

(3) The borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.

(4) Before making regulations under subsection (3) above, the borough council shall—

(a) publish notice of their intention to do so in a local newspaper circulating in their area, and such notice shall—

(i) contain a draft of the resolution to which it relates; and

(ii) state that representations relating to it may be made in writing to the borough council within such period, not less than 28 days after the publication of the notice, as may be specified in the notice; and

(b) consult the licence holders or a body or bodies representative of them.

(5) As soon as practicable after the expiry of the period specified under subsection (4) above, the borough council shall consider any representations relating to the proposed regulations which they have received before the expiry of that period.

(6) After the borough council have considered those representations they may if they think fit make regulations as mentioned in subsection (3) above.

(7) Without prejudice to the generality of subsection (3) above the standard conditions shall include such conditions as may be reasonable—

(a) identifying the street or streets in which and the position or place in any such street at which the licence holder may sell or expose or offer for sale articles or things, or offer or provide services under the authority of the licence;

PART III
—cont.

- (b) identifying the class or classes of articles, things or services which the licence holder may so sell or expose or offer for sale or provide;
- (c) identifying the day or days on which and the time during which the licence holder may sell or expose or offer for sale articles, things or services as aforesaid;
- (d) identifying the nature and type of any receptacle which may be used by the licence holder or in connection with any sale or exposure or offer for sale or provision of services and the number of any such receptacles which may be so used;
- (e) requiring that any receptacle so used shall carry the name of the licence holder and the number of his licence;
- (f) regulating the storage of receptacles or perishable goods;
- (g) regulating the deposit and removal of refuse and the containers to be used for the deposit of such refuse and their location pending its removal;
- (h) requiring that the licence holder shall commence trading or exercising his rights under the licence by a certain time on any day or forfeit his right to trade or exercise his rights under the licence on that day from the fixed position to which his licence refers.

(8) Without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

(9) When granting a licence a borough council shall give to the licence holder a copy of the licence which, in the case of an individual, shall bear his photograph.

Revocation or
variation of
licences under
Part III.

28.—(1) Subject to the provisions of this Part of this Act a borough council may at any time revoke a street trading licence if they are satisfied that—

- (a) owing to circumstances which have arisen since the grant or renewal of the licence, there is not enough space in the street in which the licence holder trades for him to engage in the trading permitted by the licence without causing undue interference or inconvenience to persons or vehicular traffic using the street; or
- (b) the licence holder is trading in a class of articles, things or services which the borough council have resolved under subsection (1) (b) of section 24 (Designation of licence streets) of this Act not to prescribe in licences granted for the licence street in which the licence holder trades; or
- (c) the licence holder is an individual who has without reasonable excuse personally failed fully to avail himself of his licence; or
- (d) the licence holder is on account of misconduct or for any other sufficient reason unsuitable to hold the licence; or
- (e) that since the grant or renewal of the licence, the licence holder has for a period of four weeks or more failed to pay fees or charges due to the borough council in connection with the street trading licence or has failed to pay any charges due from him for accommodation provided in pursuance of subsection (2) of section 33 (Receptacles and containers) of this Act; or
- (f) that since the grant or renewal of the licence, the licence holder has failed to make provision for the suitable and adequate storage of the receptacles used by him for trading or for any perishable goods in which he trades when trading is not taking place; or

(g) that since the grant or renewal of the licence, the licence holder has persistently failed to remove to a place of storage the receptacles used by him for trading; or

(h) that the licence holder has persistently failed to comply with any condition of his licence.

(2) If a borough council consider that a licence could be revoked on any of the grounds mentioned in paragraphs (a) to (c) of subsection (1) above they may instead of revoking it, vary its conditions by attaching further conditions—

(a) reducing the number of days in any week or the period in any one day during which the licence holder is permitted to trade; or

(b) specifying a different licence street or position or place in any such street at which the licence holder may sell or expose or offer for sale articles or things or offer or provide services; or

(c) restricting the description of articles, things or services in which the licence holder is permitted to trade.

29.—(1) A borough council shall not—

(a) refuse to grant or renew a licence on any of the grounds mentioned in subsection (6) of section 25 (Application for street trading licences) of this Act; or

(b) revoke or vary a licence under section 28 (Revocation or variation of licences under Part III) of this Act; or

(c) vary a licence under subsection (1) of section 27 (Conditions of street trading licences) of this Act;

unless they shall have given to the applicant or licence holder not less than 21 days' previous notice in writing that objection has been or will be taken to such grant or renewal or that such revocation or variation is proposed, specifying the ground or grounds on which their decision would be based and giving him an opportunity to appear before the committee, sub-committee or officer determining the matter.

(2) A borough council shall not proceed to determine any of the matters referred to in subsection (1) above until after the expiry of the period specified in the notice given under that subsection; and in determining any of the matters referred to, they shall consider any representations made by an applicant or licence holder in respect of that matter.

(3) A borough council shall not refuse to grant or renew and shall not revoke a licence on the ground only that the applicant or licensee, being an individual, does not reside in the borough.

(4) If the borough council refuse to grant or renew a licence or decide to revoke or vary a licence—

(a) they shall notify the applicant or licence holder in writing of their decision and of the ground or grounds for such refusal, revocation or variation; and

(b) they shall notify the applicant or licence holder of his rights of appeal (if any) specified in the next following section.

30.—(1) Any person aggrieved—

(a) by the refusal of a borough council to grant or renew a licence on any of the grounds mentioned in subsection (6) (a) to (e) of section 25 (Application for street trading licences); or

PART III
—cont.

Further provisions relating to grant, renewal or revocation of street trading licences.

Part III appeals.

PART III
—cont.

- (b) by a decision of a borough council under subsection (7) of the said section 25 to grant him a licence either on terms mentioned in that subsection different from those on the licence which he previously held or different from those for which he applied; or
- (c) by any further condition attached by a borough council under subsection (8) of section 27 (Conditions of street trading licences) of this Act in addition to the standard conditions; or
- (d) by a decision of the borough council either—
 - (i) to vary the conditions of a licence under subsection (2) of section 28 (Revocation or variation of licences under Part III) of this Act; or
 - (ii) to revoke a licence under subsection (1) of the said section 28; where that decision is based on any of the grounds mentioned in subsection (1) (d) to (h) of the said section 28; or
- (e) by a resolution of a borough council under section 37 (Ice cream trading) of this Act;

may appeal to a magistrates' court acting for the area in which the licence street is situated.

(2) An appeal under subsection (1) above may be brought—

- (a) in the case of an appeal under paragraph (a), (b), (c) or (d) of that subsection, at any time before the expiration of the period of 21 days beginning with the date upon which notification in writing is given of the refusal or decision;
- (b) in the case of an appeal under paragraph (e) of that subsection, at any time before the expiration of the period of 21 days beginning with the date of the second publication of the notice required by subsection (10) of section 24 (Designation of licence streets) as applied by the said section 37.

(3) A person desiring to appeal against such refusal or decision as is mentioned in subsection (1) above shall give a written notice to the magistrates' court and to the borough council specifying the refusal or decision against which he wishes to appeal and the grounds upon which such appeal is made.

(4) An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.

(5) On an appeal to the magistrates' court or to the Crown Court under this section, the court may make such order as it thinks fit.

(6) Subject to subsections (7) to (9) below, it shall be the duty of the borough council to give effect to the order of the magistrates' court or the Crown Court.

(7) A borough council need not give effect to the order of the magistrates' court until the time for bringing an appeal under subsection (4) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(8) Where a licence holder applies for renewal of his licence, his existing licence shall remain valid—

- (a) until the grant by the borough council of a new licence with the same conditions; or
- (b) if the borough council refuse renewal of the licence or decide to grant a licence with conditions different from those of the existing licence

and he has a right of appeal under this section, until the time for bringing an appeal has expired or where an appeal is duly brought, until the determination or abandonment of the appeal; or

- (c) if he has no right of appeal under this section until the borough council either grant him a new licence with conditions different from those of the existing licence or notify him of their decision to refuse his application.

(9) Where—

- (a) a borough council decide—

(i) to vary the conditions of a licence under subsection (2) of the said section 28; or

(ii) to revoke a licence under subsection (1) of the said section 28; and

(b) a right of appeal is available to the licence holder under this section; the variation or revocation shall not take effect until the time for bringing an appeal has expired or where an appeal is duly brought, until the determination or abandonment of the appeal.

(10) For the avoidance of doubt, it is hereby declared that an application under section 31 of the Supreme Court Act 1981 (application for judicial review) or under the Rules of the Supreme Court 1965 in respect of any matter which is or could be the subject of an appeal to the magistrates' court or to the Crown Court under this section shall not be treated as an appeal for the purposes of subsection (8) or (9) above.

1981 c. 54.

(11) Any person aggrieved—

(a) by a resolution rescinding or varying a designating resolution;

(b) by a resolution under subsection (1)(b) of section 24 (Designation of licence streets) of this Act;

(c) by a standard condition prescribed by regulations under subsection (3) of section 27 (Conditions of street trading licences) of this Act; or

(d) by the amount of a fee or charge under section 32 (Fees and charges) of this Act;

may appeal to the Secretary of State whose decision shall be final.

31.—(1) A borough council may if they think fit on the receipt from any person of an application for that purpose and accompanied by the appropriate fee grant to that person a temporary licence.

Temporary licences.

(2) A temporary licence shall be valid only for the day or period specified in the licence and—

(a) shall be in the like form as a street trading licence with such modifications therein as the circumstances require; and

(b) shall prescribe such conditions as the borough council deem appropriate.

(3) Where the holder of a street trading licence is not for the time being exercising his rights under the licence, a temporary licence authorising street trading in the position or place prescribed by the street trading licence may be granted to any other person but shall be subject to the condition that it shall cease to be valid if during the currency thereof the holder of the licence desires to resume the exercise of his rights and gives the appropriate notice, and for the purposes of this subsection "the appropriate notice" means—

(a) in the case of a holder of a licence who has not exercised his rights under the licence for a period of at least 14 days, 7 days' notice;

PART III
—cont.

(b) in any other case, 24 hours' notice.

(4) In this section "appropriate fee" means such fee as the borough council may have determined under section 32 (Fees and charges) of this Act.

Fees and charges.

32.—(1) A borough council may charge such fees for the grant or renewal of a street trading licence under this Part of this Act, the grant of a temporary licence or for the variation at the request of the licence holder of the conditions of a street trading licence as they may determine and as may be sufficient in the aggregate to cover in whole or in part the reasonable administrative or other costs in connection with their functions under this Part of this Act, not otherwise recovered.

(2) A borough council may recover from licence holders such charges as may be sufficient in the aggregate taking one year with another to cover the reasonable costs, not otherwise recovered, of—

- (a) the collection, removal and disposal of refuse or other services rendered by them to such holders; and
- (b) the cleansing of streets in which street trading takes place in so far as that cleansing is attributable to such trading; and
- (c) any reasonable administrative or other costs incurred in connection with the administration of this Part of this Act; and
- (d) the cost of enforcing the provisions of this Part of this Act.

(3) A borough council may determine—

- (a) that charges under subsection (2) above shall be included in a fee payable under subsection (1) above; or
- (b) that they shall be separately recoverable.

(4) A borough council may—

- (a) require that every application for a licence under this Part of this Act be accompanied by the whole or part of the fee determined under subsection (1) above; and
- (b) determine that the fee may be paid by instalments.

(5) Where a borough council refuse to grant or renew a licence they shall repay to the person who made the application therefor the amount of any fee paid by him as aforesaid.

(6) A borough council may determine the fees to be charged on the grant of a temporary licence under section 31 (Temporary licences) of this Act, and in doing so they shall have regard to the matters specified in subsection (2) above and such fees shall be included in the computation for the purposes of determining the fees and charges under subsections (1) and (2) above.

(7) Before determining charges to be made under subsection (2) above or varying the amount of such charges a borough council—

- (a) shall give notice of the proposed charges to licence holders or to a body or bodies representative of them; and
- (b) shall publish notice of the proposed charges in a newspaper circulating in the area in which the licence street or streets in respect of which the charges will be applied is situated.

(8) A notice under subsection (7) (a) above shall specify a reasonable period being not less than 28 days from the date of publication of the newspaper referred to in subsection (7) (b) above within which written representations concerning the proposed charges may be made to the borough council.

(9) It shall be the duty of a borough council to consider any such representations which are made to them within the period specified in the notice.

PART III
—cont.

(10) When a borough council have determined charges under subsection (2) above they shall give notice of the charges so fixed or varied and of the date on which those charges are to be brought into effect, in the manner prescribed in subsection (7) above.

(11) Where a licence is revoked under subsection (1) (a) or (b) of section 28 (Revocation or variation of licences under Part III) of this Act, the borough council shall refund the appropriate part of any fee paid for the grant or renewal of the licence.

(12) Where a licence is revoked otherwise than under subsection (1) (a) or (b) of section 28 (Revocation or variation of licences under Part III) or is surrendered, the borough council may remit or refund, as they consider appropriate, the whole or a part—

- (a) of any fee paid for the grant or renewal of the licence; or
- (b) of any charges recoverable under subsection (2) above.

33.—(1) A borough council may sell or let on hire or otherwise provide to any person holding a street trading licence or a temporary licence under this Part of this Act receptacles for use by him in street trading.

Receptacles and
containers.

(2) A borough council may provide and maintain accommodation for the storage of receptacles and containers for the deposit of refuse arising in the course of street trading and for that purpose may—

- (a) adapt any premises or erect any buildings on any land belonging to them but not already appropriated for such purpose; and
- (b) make such charges as they think fit for the use of such accommodation.

34. Any person who—

Offences.

- (1) contravenes any of the conditions of a street trading licence or a temporary licence; or
- (2) in connection with an application for a street trading licence or a temporary licence makes a statement which he knows to be false in a material particular; or
- (3) resists or intentionally obstructs any authorised officer of a borough council in the execution of his duties under this Part of this Act; or
- (4) fails on demand without reasonable excuse in the case of an individual licence holder to produce his licence duly signed by him and bearing his photograph, and, in the case of an individual carrying on ice cream trading under a licence granted to a company incorporated under the Companies Acts or to a partnership, to produce the photograph required by subsection (2) of section 27 (Conditions of street trading licences) of this Act to an authorised officer of the borough council or to a constable;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

35.—(1) Where any receptacle used by a licence holder is not removed to a place of storage on the cessation of trading on any day it shall be lawful for the borough council to cause it to be removed to a place of storage and to recover from the licence holder the costs incurred by them in removing and storing the receptacle.

Power to remove
receptacles.

PART III
—cont.

(2) Such charges as the borough council may fix as the cost of removing and storing a receptacle in pursuance of subsection (1) above, shall be payable by the licence holder before the return of the receptacle to him.

(3) The provisions of subsection (1) above are without prejudice to the power of the borough council to prosecute the licence holder for any breach of the conditions of his licence arising from the failure to remove the receptacle.

Employment of
assistants.

36. Subject to the provisions of this section a person holding a street trading licence may employ any other person to assist him in the conduct of street trading authorised by the licence but if any person employed by a licence holder during the temporary absence of the licence holder fails to comply with the conditions of the street trading licence held by his employer such failure shall be deemed to be a failure by the licence holder.

Ice cream
trading.

37.—(1) Nothing in this Part of this Act shall apply to itinerant ice cream trading in any street unless—

- (a) that street is a licence street; or
- (b) the street has been designated as a prohibited street under the following provisions of this section.

(2) If at any time it is necessary to prohibit itinerant ice cream trading in any street in the area of a borough council which is not a licence street in the interests of preventing obstruction to traffic, or undue interference or inconvenience to persons using that street, the borough council may by resolution designate the street as a prohibited street and may from time to time by subsequent resolution rescind or vary any such resolution.

(3) Before passing a resolution under this section, a borough council shall consult the Commissioner of Police of the Metropolis and such bodies as appear to them to be representative of persons carrying on ice cream trading in the area of the borough council.

(4) Subsections (3) to (11) of section 24 (Designation of licence streets) of this Act shall apply to a resolution under this section as they apply to a resolution under that section.

Unlicensed street
trading.

38.—(1) Any person who—

- (a) engages in street trading in the borough in a street which is not a licence street; or
- (b) engages in street trading in the borough in a licence street without the authority of a street trading licence or a temporary licence;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) In any proceedings for an offence under this section or for an offence of aiding, abetting, counselling or procuring the commission of an offence under this section where it is shown that—

- (a) any article or thing was displayed (whether or not in or on any receptacle) in any street; or
- (b) any receptacle or equipment used in the provision of any service was available in any street in such circumstances that a service was being offered;

the article or thing shall be presumed to have been exposed or offered for sale and the receptacle or equipment shall be presumed to have been available for the provision of a service at such time and in such position as it was displayed

or available by the person having care or control or appearing to have care and control thereof unless in either case, it is shown to the satisfaction of the court that the article or thing or receptacle or equipment was brought into that street for some purpose other than for the purpose of selling it or exposing or offering it for sale or using it in the course of the provision of the service in a street.

(3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and liable to the same maximum penalty as the body corporate.

(4) If an authorised officer or a constable has reasonable grounds for suspecting that a person has committed an offence under this section he may seize any article or thing being offered or exposed for sale or receptacle being used by that person which may be required to be used in evidence in any proceedings in respect of that offence, provided that no article or thing which is of a perishable nature shall be seized under the provisions of this subsection.

(5) Subject to subsection (6) below the court by or before which a person is convicted of an offence under this section or for an offence of aiding, abetting, counselling or procuring the commission of an offence under this section may order anything produced to the court, and shown to the satisfaction of the court to relate to the offence, to be forfeited and dealt with in such manner as the court may order.

(6) The court shall not order anything to be forfeited under subsection (5) above where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

(7) An authorised officer shall produce his authority if required to do so by the person having care or control of the article or thing seized in pursuance of the powers in subsection (4) above.

39.—(1) Nothing in this Part of this Act shall affect—

(a) section 13 of the Markets and Fairs Clauses Act 1847 (prohibition of sales elsewhere than in a market or in shops etc.) as applied by any other Acts;

(b) section 56 of the Food Act 1984 (prohibition of certain sales during market hours);

(c) the sale or exposure or offer for sale by London Regional Transport or (as the case may be) a designated company (within the meaning of the Transport (London) Act 1969) of refreshments at any shelter or other accommodation provided by either of them under section 65 (Refreshment shelters etc.) of the London Passenger Transport Act 1938.

(2) Nothing in this Part of this Act shall afford a defence to a charge in respect of any offence at common law or under an enactment other than this Part of this Act.

40.—(1) Subject to subsection (2) below, the enactments specified in column (2) of Schedule 2 to this Act, so far as they relate to any part of Greater London, shall cease to have effect in a borough as from the appointed day for that borough to the extent specified in column (3) of that Schedule.

(2) Notwithstanding the repeal of the enactments specified in column (2) of Schedule 2 to this Act, any licence granted by a borough council under any of

Savings.

1847 c. 14.

1984 c. 30.

1969 c. 35.

1938 c. xcii.

Local enactments
relating to street
trading repealed.

PART III
—cont.

those enactments which authorises street trading in the borough and which was in force immediately before the appointed day shall continue in force until three months after the appointed day or until the determination of any application made by the holder of the licence under section 25 (Application for street trading licences) of this Act, whichever is the later.

Saving for sales in legal markets or fairs.

41. In the case of any market or fair held in pursuance of any statute, royal licence, royal charter or letters patent, or as of right from time immemorial, nothing in this Part of this Act shall affect the sale or exposure or offer for sale of goods in any such market or fair by any person who has paid a toll to, or is acting under the written authority of, a person holding or entitled to hold such market or fair or entitled to receive tolls in respect of sales made or stalls or stands occupied in such market or fair.

PART IV

MISCELLANEOUS

Restoration of gas and electricity services.
1972 c. xl.

42.—(1) As from the appointed day in the borough of a participating council, section 19 (Restoration of gas and electricity services) of the Greater London Council (General Powers) Act 1972 is hereby amended by the substitution, in subsection (1), for the words “pay to the statutory undertakers their reasonable expenses of reconnecting” of the words “make such arrangements as they think fit with the statutory undertakers who provided for”.

(2) Section 19 (1) of the Greater London Council (General Powers) Act 1972, as that subsection has effect as from the appointed day in the borough of a participating council, is set out in Schedule 3 to this Act.

Shopping or luggage trolleys found in open air.

43.—(1) In this section—

“excluded land” means—

(a) land in which the owner of the shopping or luggage trolley has an interest; or

(b) where an off-street parking place for vehicles affords facilities for the parking of shopping trolleys after their use by shoppers, the land comprising those facilities; or

(c) where any other place designated by the borough council affords like facilities, the land comprising those facilities; or

(d) operational land of the British Railways Board;

“luggage trolley” means an unpowered trolley provided for travellers’ use by transport undertakers for the carriage of luggage to, from or within their premises by travellers;

“shopping trolley” means an unpowered trolley provided for customers’ use at a shop (within the meaning of the Shops Act 1950) for the carriage of goods purchased at the shop;

“trolley” means a luggage trolley or shopping trolley.

1950 c. 28.

(2) This section shall have effect in the borough of any participating council as from an appointed day and, before fixing the appointed day and from time to time thereafter, the borough council shall consult with transport undertakers within their borough and such persons or organisations as appear to them to represent shops in their borough by which shopping trolleys are provided—

(a) as to the operation of this section;

(b) as to making arrangements for affording suitable places for the parking of shopping or luggage trolleys at off-street parking places

and at other places approved by the borough council following use of the trolleys by travellers or, as the case may be, the customers of shops; and

PART IV
—cont.

- (c) as to the places to which trolleys respecting which the powers of subsection (3) below are exercised should be removed and as to arrangements for collection by their owners.

(3) Where any empty trolley is found on any land in the open air in a borough, not being excluded land, or on any other land forming part of a highway, the borough council may if they think fit, subject to subsection (4) below, remove the trolley.

(4) The borough council shall not be entitled to exercise their powers under subsection (3) above as respects a trolley situated on land appearing to the borough council to be occupied by any person without that person's consent unless the borough council have given him notice that they propose to remove the trolley and he has failed to object to the proposal by notice served on the borough council within 14 days from the day when the notice was so given to him.

(5) The borough council shall—

(a) subject to subsection (6) (a) below, deliver up to any person claiming and appearing to the borough council to be its owner any trolley which the council have removed under subsection (3) above;

(b) as respects any trolley which has not been so claimed and delivered, as soon as reasonably practicable and not later than 14 days after removing the trolley under the said subsection (3), give to any person appearing to them to be its owner notice of its removal and of the place to which it has been removed, such notice to be in writing addressed to the last known address of the owner or, in the case of a limited company, to its registered office.

(6) The borough council may—

(a) before delivering up a trolley to any person under subsection (5) (a) above, require payment of the reasonable cost to the borough council of collecting, transporting and storing the trolley;

(b) at any time after the expiry of 28 days following—

(i) the service of the notice under subsection (5) (b) above; or

(ii) where the owner cannot be ascertained after reasonable inquiry, the removal of any trolley under the powers of subsection (3) above;

sell or otherwise dispose of that trolley if it has not been claimed by any person appearing to the borough council to be its owner.

(7) A borough council may agree with the owners of trolleys a scheme for collection, containment or restriction of trolleys, and where such an agreed scheme is in operation the borough council shall not be entitled to require repayment under subsection (6) (a) above in respect of any trolley which complies with the requirements of the scheme.

(8) In the exercise of its powers under this section, a borough council shall exercise all due care in the handling and storage of trolleys.

(9) This section has effect without prejudice to the powers of a borough council under any other enactment.

44. The provisions of the Surrey County Council Act 1958 mentioned in Schedule 4 to this Act (which provisions, together with the rest of the said Act of 1958, were repealed by the Surrey Act 1985) are hereby revived in their application to the London boroughs of Croydon, Kingston upon Thames, Merton and Sutton.

Surrey County
Council Act
1958.
1958 c. xlii.
1985 c. iii.

SCHEDULES

Section 2.

SCHEDULE 1

PARTICIPATING COUNCILS

Barking and Dagenham Borough Council
Barnet Borough Council
Bexley Borough Council
Brent Borough Council
Bromley Borough Council
Croydon Borough Council
Ealing Borough Council
Enfield Borough Council
Greenwich Borough Council
Hackney Borough Council
Hammersmith and Fulham Borough Council
Haringey Borough Council
Harrow Borough Council
Havering Borough Council
Hillingdon Borough Council
Hounslow Borough Council
Islington Borough Council
Kensington and Chelsea Royal Borough Council
Kingston upon Thames Royal Borough Council
Lambeth Borough Council
Lewisham Borough Council
Merton Borough Council
Newham Borough Council
Redbridge Borough Council
Richmond upon Thames Borough Council
Southwark Borough Council
Sutton Borough Council
Tower Hamlets Borough Council
Waltham Forest Borough Council
Wandsworth Borough Council
Westminster City Council

SCHEDULE 2

Sections 24 and 40.

LOCAL ENACTMENTS REPEALED IN GREATER LONDON
IN RELATION TO STREET TRADING

Chapter (1)	Enactment (2)	Extent of repeal (3)
21 & 22 Geo. 5. c. lx.	West Ham Corporation Act 1931.	Part IV.
21 & 22 Geo. 5. c. xciv.	Dagenham Urban District Council Act 1931.	Part VI.
23 & 24 Geo. 5. c. lxxvii.	Wimbledon Corporation Act 1933.	Part VIII.
23 & 24 Geo. 5. c. lxxviii.	Barking Corporation Act 1933.	Part IX.
26 Geo. 5 & 1 Edw. 8. c. cxv.	Merton and Morden Urban District Council Act 1936.	Part VI.
1 Edw. 8 & 1 Geo. 6. c. xcvi.	Coulsdon and Purley Urban District Council Act 1937.	Part VI.
7 & 8 Geo. 6. c. xxi.	Middlesex County Council Act 1944.	Part IX.
10 & 11 Geo. 6. c. xlvi.	London County Council (General Powers) Act 1947.	Part IV.
4 & 5 Eliz. 2. c. lxxxiv.	Walthamstow Corporation Act 1956.	Part V.
4 & 5 Eliz. 2. c. xc.	Middlesex County Council Act 1956.	Part V.
5 & 6 Eliz. 2. c. xxxv.	London County Council (General Powers) Act 1957.	Part VII.
6 & 7 Eliz. 2. c. xxi.	London County Council (General Powers) Act 1958.	Section 37.
8 & 9 Eliz. 2. c. xl.	Croydon Corporation Act 1960.	Part XII.
10 & 11 Eliz. 2. c. xlv.	London County Council (General Powers) Act 1962.	Sections 33 and 34.
1974 c. xxiv.	Greater London Council (General Powers) Act 1974.	Sections 17 to 19.
1978 c. xiii.	Greater London Council (General Powers) Act 1978.	Section 10 and Schedules 1 and 2.
1978 c. xvi.	Greater London Council (General Powers) (No. 2) Act 1978.	Section 10 and Part II of Schedule 1.
1981 c. xvii.	Greater London Council (General Powers) Act 1981.	Section 17 and Schedule 1.
1982 c. i.	Greater London Council (General Powers) Act 1982.	Section 6 and Schedule 1.

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c. vii

London Local Authorities Act 1990

Section 42.

1972 c. xl.

SCHEDULE 3

**GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1972 SECTION 19 (1)
AS HAVING EFFECT IN ACCORDANCE WITH SECTION 42 (RESTORATION OF
GAS AND ELECTRICITY SERVICES) OF THIS ACT**

19.—(1) Where any building used for human habitation has ceased to be supplied with gas or electricity sufficient for the domestic purposes of any occupier thereof (hereafter in this section referred to as "the occupier") by reason of the failure of the owner thereof to pay to the statutory undertakers such charges as are properly due from him for the supply of gas or electricity, the borough council may, without prejudice to any action or proceedings which may be taken under any other enactment, make such arrangements as they think fit with the statutory undertakers who provided for the supply of gas or electricity to the building to secure that such supply is restored and shall thereafter, for so long as they consider necessary, pay the statutory undertakers' charges in respect of the subsequent supply of gas or electricity to the building.

Section 44.

1958 c. xliii.

SCHEDULE 4

PROVISIONS OF SURREY COUNTY COUNCIL ACT 1958

Section 4	(Interpretation);
Section 33	(Metropolitan commons);
Section 44	(Social rehabilitation);
Section 57	(Breach of conditions of consent);
Section 58	(Restriction on right to prosecute);
Section 63	(Appeals);
Section 65	(Application of general provisions of Act of 1936);
Section 67	(Crown rights);
Section 69	(Saving for town and country planning);
Second Schedule	(Sections of Public Health Act 1936 applied).

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APPENDIX 3

COPY OF HARINGEY STREET TRADING CONDITIONS.

Licensing Team
Alexandra House, Level 6, 10 Station Road, Wood Green, London, N22 7TR
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www.haringey.gov.uk



Licensing Team Leader Dalah Barrett-Williams

Haringey Council

REGULATIONS MADE BY THE LONDON BOROUGH OF HARINGEY PURSUANT TO SECTION 27(3) OF THE LONDON LOCAL AUTHORITIES ACT 1990 PRESCRIBING STANDARD CONDITIONS APPLICABLE TO STREET TRADING LICENCES.

DEFINITIONS

1. In the Regulations unless the context otherwise requires, the following expressions shall have the same meanings that appear in Section 21(1) of the London Local Authorities Act 1990 as amended.

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

'Street' includes:-

- (a) any road or footway;
- (b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;
- (c) any part of such road, footway or area;
- (d) any part of any housing development provided or maintained by a Local Authority under Part II of the Housing Act 1985:

'Street Trading' means the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward:

'Street Trading Licence' means 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:

'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.

2. THE FOLLOWING ARE THOSE DEFINED BY THE COUNCIL

'The Act' means the London Local Authorities Act 1990 Part III as amended.

'The Council' means the London Borough of Haringey.

'Advertisement' means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of, advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.

'Assistant'

- (a) Traders shall notify the London Borough of Haringey in writing on the relevant forms of the name, address and national insurance number of each and every assistant who assists with sales on the licensed street trading pitch. Details of any subsequent change of assistant or any other relevant information regarding assistants shall be given in writing to the London Borough of Haringey.

- (b) The licence holder shall provide the London Borough of Haringey with details of all assistants who may work on the licensed street trading pitch whether the trader is present or not.
- (c) A licensed street trader shall not employ a child in any capacity in the course of his trade or business.
- (d) The licensed trader may employ any other person to assist in the conduct of the business but may not let, assign or part with his interest or possession under this licence, but he may surrender it at any time. The right granted by this licence cannot be sub-let transferred or shared with any other person or party.
- (e) Traders shall notify the London Borough of Haringey of any changes of assistants as soon as the changes occur.
- (f) Any contravention of these regulations by an assistant shall be deemed to be a contravention by the trader whether the trader was present at the time of the contravention or not.
- (g) where a Licence is granted outside a catering establishment or shop premises; 'assistant' shall also include any other employee, manager, secretary, director, partner, supervisor or the like who may from time to time or full time be involved in the street trading activity including those engaged in the completion of a transaction within the premises.

'Awning' includes a street 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 and includes parasols provided to tables outside catering establishments.

'Catering Establishment' means any premises used for the retail sale of food or drink for consumption on the premises, where the Council has licensed a site for tables and chairs to be provided for customers' use on the street.

'Child' means a person under 16 years of age.

'Goods' means any goods, wares, or merchandise displayed for sale at a stall or Licensed Site.

'Harassment' includes but is not limited to:-

- (a) Violence or threats of violence towards any person;
- (b) Abusive or insulting words or behaviour;
- (c) Damage or threats of damage to property belonging to another person;
- (d) Writing threatening, abusive or insulting graffiti;
- (e) Any act or omission calculated to interfere with the peace or comfort of any person or to inconvenience such person;
- (f) Refusal to serve or permit access to a stall, licensed site, premises or services.

'Licence Holder' means any person who is licensed for street trading under Part III of the London Local Authorities Act 1990 as amended.

'Licensed Site' means a place in any street authorised at which street trading may be engaged in by a Licence Holder, and includes any temporary alternative place approved by the Council or a duly authorised Officer of the Council.

'Premises' means any land, building or part of a building and includes any commercial premises adjacent to a Licensed Street Trading Pitch.

'Loading and Unloading' includes stocking or replenishing goods at a Licensed Site, vehicle or receptacle.

'Refuse' includes empty and discarded receptacles and any waste material. means waste which has been generated in the course of a Licensed Street Trader's business activity including, but not limited to; fruit and vegetable waste, cardboard, paper, small plastic items and other non-perishable waste.

'Stall' means the structure for which the Council grants a Licence for goods or services to be displayed thereon or from which services are provided.

'Street Furniture' includes seating facilities provided by the Council for public use, bollards, stanchions, railings, the walling of flower beds and any structure owned by a statutory undertaking or the like.

'Undressing the Stall' means removing goods and receptacles and any other things thereon in part or in whole or dismantling or adjusting any part of the stalls' structure.

'Approved Street Festivals' means those street festivals whereby the Council may issue temporary Street Trading Licences.

'Displays Outside Shop Premises' means where the Council has granted a Licence to display goods from a stall or licensed site on the footway immediately outside the shop premises.

'Refreshment Stalls' includes coffee stalls and those selling foodstuffs capable of immediate consumption.

'Spurs Matchday Site' means a Licence granted for the sale of goods in the vicinity of Tottenham Hotspur Football Ground when any public event is held within the stadium.

'Traditional Stalls' includes those licensed to sell garments, hardware and raw foodstuffs.

GENERAL

The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment, or Regulation other than under the Act.

The stall, trade, business, activity etc. shall comply and be conducted in a manner that conforms with other relevant legislation enforced by the Local Authority or other Agencies. These include General Health and Safety, Food Safety, Trading Standards and Fire Prevention and Highways Regulations.

INFORMATION

- (i) Headings inserted in these regulations are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.
- (ii) Where in these conditions there is reference to the consent or agreement of the Council such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (iii) These conditions may be dispensed with or modified by the Council in any individual case by means of a Licence Variation in accordance with the statutory requirements.
- (iv) If a trader wishes any of the terms of a Licence to be varied or the Council's agreement under these rules, application must be made in writing to the Council in accordance with the statutory requirements.

1. INSURANCE

- (a) The Licence Holder shall take out third party insurance cover with a minimum liability of at least two million pounds.
- (b) In respect of Licences granted for the display of goods outside shop premises and tables and chairs outside catering establishments this may be incorporated in an insurance policy of the business.
- (c) Satisfactory evidence of such insurance must be produced to the Council before a Licence will be granted or renewed.

- (d) Evidence of such insurance shall also be produced by a Licence Holder on demand to an Authorised Officer of the Council or a Police Officer.

2. DAYS AND TIMES

Trading shall only take place during the times specified in the Licence.

3. DISPLAY OF NAMES

Licence Holders except in respect of displays of goods outside shop premises and chairs outside catering establishments shall prominently display a sign with their surname or family name and licensed Site or Licence Number on the stall. Additionally they may exhibit a trading name or title.

4. INSPECTION OF LICENCE ETC.

- (a) Licence Holders shall produce their Licence for inspection when requested to do so by an Authorised Officer of the Council or Police Officer.
- (b) In respect of displays outside shop premises and catering establishments the Licence shall be exhibited within the premises in the safe vicinity of the entrance so that it can be seen by an Authorised Officer of the Council or Police Officer.
- (c) Where the Council has issued a Certificate of Variation to a Licence that shall be produced and displayed with the Licence.
- (d) All other Licence Holders in their absence shall ensure that the Licence is retained on the stall so that it can be produced by an assistant on demand to an Authorised Officer of the Council or Police Officer.
- (d) If alcoholic beverages are consumed at a licensed site, the Licence Holder or Assistant shall produce on demand the appropriate Justices Licence to an Authorised Officer of the Council or Police Officer.

5. POSITION

- (a) The Licence Holder shall only use the licensed site prescribed in the Licence (which may be marked or denoted on the ground by means of white lines, contrasting paving or other device by the Council) unless the circumstances under 5(e) shall arise.
- (b) The Licence Holder shall not cause or permit stalls, goods, receptacles; (except refuse containers under Regulation 16c) to project whether grounded or suspended beyond the licensed site or to be placed or to stand anywhere else in the street.
- (c) In respect of catering establishments, tables and chairs shall not be placed or used outside of the site defined in the Licence. This may be denoted by the Council marking the boundary by White Lines or other means.
- (d) The Licence Holder or Assistant shall inspect the licensed site whilst in use at least every hour to ensure that tables and chairs are not outside of the licensed area.
- (e) If the licensed site is obstructed by roadwork's or other hazard the Licence Holder may consult an Authorised Officer of the Council or failing that a Police Officer in uniform and produce their Licence. Temporary trading elsewhere whilst the obstruction persists shall be at the discretion of the Officer consulted. The name of the Council Officer or the number of the Police Officer must be noted by the Licence Holder.

6. SIZE

- (a) The Licence Holder shall not place or cause to be placed on the street, a stall that exceeds the dimensions prescribed in the Street Trading Licence.
- (b) Stalls shall not exceed the following standards dimensions unless otherwise prescribed in the Street Trading Licence or extended under Regulation 6(d) or 6(e).
- (c) Large Traditional Licensed Sites may be extended up to 0.90 metres in length when trading is being conducted by means of a structure that does not rest on the street and can be easily dismantled or folded in to necessitate the removal of the stall.
- (d) The Council may grant by variation of the Licence an extension or further extension to a stall subject to the proviso in 6(d) and observance of Regulation 9(a) and 9(g).
- (f) The dimensions of all stalls prescribed in Licences shall include any towing bar or bracket or the like that remains projecting from the stall whilst trading is being conducted.
- (g) Displays outside shop premises shall not exceed a depth of 1.05m or a lesser amount if prescribed in the Street Trading Licence. The Council will take into account any private forecourt and the available depth of footway.
- (h) In respect of catering establishments the number of tables and chairs on the street shall not

exceed the numbers prescribed in the Licence. (See also Regulation 14(a)(iv)).

- (i) The sizes of tables and chairs and parasols shall not exceed those prescribed in the Licence.

7. PERMITTED GOODS AND SERVICES

- (a) Only those goods or services specified in the Licence may be displayed, used, provided or offered for sale.
- (b) In respect of displays outside shop premises, cash registers, scales and other measuring devices shall be contained within the shop and not brought onto the street, licensed site or the stall. (See also Regulations 8(j) and (k)).
- (c) No advertisement shall be displayed on a stall or licensed site which relates to any goods or services other than those offered for sale or provided on the stall or licensed site. (See also Appendix A(c)).

8. DEALING WITH THE PUBLIC

- (a) Licence Holders and their assistant shall ensure that the public are treated fairly and with courtesy.
- (b) Licence Holders are responsible to ensure that assistants are competent, courteous and helpful.
- (c) Admission or service shall not be refused to any person on the grounds of gender, race, ethnic origin or the grounds that they are lesbians or gay men.
- (d) Admission or service shall not be refused to a person on the grounds of disability without the written consent of the Council.
- (e) The Licence Holder shall not use or permit any activity, omissions or practice in the conduct of the business which will cause harassment to women, black and ethnic minority people, lesbians, gay men or people with disabilities.
- (f) The serving of customers shall not take place in the road.
- (g) A Licence Holder or assistant offering a service shall make clear the nature and cost of that service by way of a notice on the stall or within the licensed area.
- (h) All goods shall be clearly marked with a price, and where appropriate an indication of the unit quantity in which they are being offered for supply.
- (i) Where the licensed site is in the road or adjacent, scales and cash registers shall be placed on the stall at the furthest point from passing vehicular traffic.
- (j) The customer should clearly be able to view the goods being weighed, measured etc. before they confirm their intention to purchase.
- (k) In respect of goods selected by customers from displays outside shops the requirement in Regulation 8(j) shall be carried out within the shop premises.
- (l) A Licence Holder or assistant shall not use a megaphone or amplification equipment or a loud voice to shout out the price of goods etc. in order to attract customers.
- (m) Radios or other audio equipment shall not be used in or around the licensed site other than agreed with the Council under Regulation 11(a).

9. RECEPTACLES & CONSTRUCTION OF STALL

- (a) Only those receptacles approved by the Council shall be used by the Licence Holder and assistants. Stalls shall not be formed by the use of old milk crates and the like and other receptacles notified to the Licence Holder by letter.
- (b) Goods must not be placed directly on the street unless specified in the Licence.
- (c) Unless otherwise specified in the Licence all stalls shall be on wheels and a suitable braking device shall be maintained.
- (d) Where the Council has licensed the display of bulky furniture or the like outside shop premises on the street and has granted an exemption under 9(b), a suitable trolley to remove the goods shall be maintained within the shop.
- (e) Stalls shall be constructed so as not to become unbalanced or otherwise unstable.
- (f) Stalls shall be free from protruding nails or other hazards likely to cause injury or damage to a person or their clothing.
- (g) Stalls shall be constructed so as to be immediately removable without the necessity of undressing the stall.
- (h) Nothing shall be placed or stored underneath a stall.
- (i) No stall, part of the stall, accessory, table or chair shall be used if it is likely to damage the street.
- (j) A Licence Holder or assistant shall not bolt or otherwise secure temporarily or permanently anything to the street or street furniture.
- (k) Sites licensed for the displays of goods outside shop premises shall not incorporate any form of

seating facility, nor may any seating be used or provided by the Licence Holder or assistant immediately outside the licensed site or elsewhere in the street other than on a private forecourt associated with the business.

- (i) Other Licence Holders shall not provide or use any form of seating facility outside of the licensed site (other than street furniture provided by the Council for public use) unless they have the written consent of the Council. Such permission may restrict their use to the Licence Holder and assistants and prescribe the number of seats, their construction, size and positioning together with other conditions.

10. ROOFING OF STALLS ETC.

- (a) The distance between ground level and any support of the roof, awning or supports of the stall or goods suspended from any of these, shall be at least 2.4m unless otherwise specified in the Licence.
- (b) A Licensed Street Trader shall not permit the awning or roof of the stall to project outside the area of the pitch, save as provided in Regulation 10(c).
- (c) The awning or roof of a stall may project over the footway for a distance not exceeding 0.6 metres from the boundary of the pitch unless otherwise specified or restricted by a further condition of the Licence.
- (d) The roof or awning shall be safely constructed and must not shed water over customers or passers by.
- (e) No awning other than a parasol may be used as part of a stall for displays outside catering establishments.

11. ELECTRICITY SUPPLY ETC.

- (a) The only connection between stalls in the street and other premises shall be for the purposes of electric lighting and power for the operation of electronic scales, measuring equipment and cash registers and the testing of electrical goods or other agreed services; and any such electrical or other connections shall be readily detachable and the detailed arrangements agreed with the Council. No connection shall be made with any other stall.
- (b) Where the Council provides an electrical supply system to the stall, the trader shall pay to the Council upon demand the installation costs and for the supply and maintenance of the service and equipment.
- (c) All electric power supplies shall have the appropriate consent from the Council before seeking installation from the Electricity Board.
- (d) All electrical wiring and components shall comply with the basic Electricity Board Specification and be earthed and insulated accordingly.
- (e) All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.4 metres from the footway surface, and 5.1 metres from the surface of the roadway.
- (f) Any suspended lighting shall be safely protected and shall not expose the public, Licence Holder or assistants to any form of risk.
- (g) In respect of displays outside shop premises and catering establishments, mains electrical power may be supplied from the permanent premises to the trading area providing that all equipment and wiring shall be placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work, etc. Act 1974 and all other relevant Regulations.
- (h) In all such cases an automatic circuit breaker must be installed within the premises between the point of supply and the equipment in the trading area.

12. ELECTRICITY SUPPLY ETC.

- (a) Electrical generators shall not be used at displays outside shop premises and catering establishments.
- (b) When mobile electrical generators are permitted they shall be so positioned that:-
- (i) They do not present a danger to the public, and
- (ii) They do not present a fire or similar hazard risk to the stall or goods displayed thereon, or to persons engaged on or about the stall, and
- (iii) They do not cause any noise or fume nuisance, and
- (iv) Any inflammable fuel is stored away from the stall in a container and position approved by the Council.
- (c) Heat producing equipment shall be so placed within the licensed site as to offer maximum safety to the public. The position of any equipment in relation to other goods and materials shall be

agreed with the Council in writing.

13. LOADING AND UNLOADING

- (a) Any cart, barrow, trolley or similar conveyance owned or hired by the Licence Holder or assistant shall not be used except for the purpose of loading, unloading and transporting goods.
- (b) Loading and unloading shall be restricted to twenty minutes and resumption shall not occur until a further hour has elapsed.
- (c) Loading and unloading must not be continually interrupted by the serving of a customer.
- (d) The cart, barrow or trolley or similar conveyance used for replenishing or moving goods shall be stored on the Licence Holder's vehicle or at the storage facilities or in respect of displays outside shop premises within the shop premises and not on the street.
- (e) Loading or unloading shall be abandoned for any duration ordered by an Authorised Officer of the Council or Police Officer if in their opinion the activity obstructs pedestrian flow or causes any other form of obstruction or nuisance.
- (f) The Licensed Street Trader or his assistant shall not use a vehicle for loading or unloading at or near the licensed site unless it can lawfully be there.
- (g) Licence Holders or assistants shall replenish displays outside shop premises from stocks held within the shop premises and not directly from any vehicle.

(H) VEHICLES

- (1) The trader shall not leave his vehicle in the street in which he trades apart from approved parking spaces upon full payment of any relevant fee. Where permitted loading and unloading of goods shall be carried out as quickly as possible with the vehicle moved immediately on completion.
- (2) A licensed trader shall not permit vehicles used in connection with his licensed pitch to be in the vicinity of the trading area for loading/unloading or other purposes during trading hours.

14. REMOVAL OF STALLS ETC.

- (a) Licence Holders and their assistants shall remove stalls, goods, tables and chairs and anything else under their control as directed for so long as may be necessary.
 - (i) In the event of an emergency and this shall include any public demonstration, congregation or disorder in the area, whether or not instructed by an Authorised Officer of the Council or Police Officer;
 - (ii) In the exercise of the Council's powers and duties which include the maintenance of the licensed site, to enable its re-marking and to check whether the stall is capable of being removed in accordance with these Regulations and
 - (iii) To enable statutory undertakings to maintain their services;
 - (iv) In order to accommodate customers confined to wheelchairs outside catering establishments the Licence Holder or assistants shall remove any surplus chairs, for the time being, to the place of storage. (See regulation 6(h)).
- (b) Stalls, goods, tables and chairs etc. shall be removed from the public highway to the place of storage, as stated on the application form, or such other alternative place subsequently agreed by the Council in writing, within 30 minutes of the time prescribed on the Licence for the end of trading on that day.
- (c) A Licence Holder electing to cease trading before the time denoted in the Licence shall remove the stall, goods, tables and chairs at that time to the place of storage.
- (d) A Licence Holder in respect of shop premises shall remove the stall(s) and goods on the cessation of trading and before closing the shop premises.
- (e) Where at an approved Street Festival the stall is hired or provided by the organiser or the agent, the Licence Holder shall be responsible for its erection, suitability, stability, dismantling and safe and prompt removal.
- (f) A Licence Holder upon production of Proof of Ownership may claim from the Council within 14 days of it coming into the Council's possession and without penalty (providing that it is not otherwise this subject of Legal Proceedings or a Seizure Order) anything that:-
 - (i) Not being within a licensed site, was removed by an Officer of the Council because in their

- opinion it was a hazard or the like to the public;
- (ii) Otherwise came into the Council possession and was identified as possibly being associated with the activity of Street Trading.

15. PROVISION OF STALL BY THE COUNCIL

- (a) The Licence Holder shall use any stall provided by the Council.
- (b) Where the Council provides, (lends, hires or lets) the stall, the Licence Holder shall be responsible for its care and safe custody and must not wilfully or otherwise cause to it any damage.
- (c) The stall must either be on the licensed site, in the storage unit or in the course of being transported to and fro. It shall not be used for street trading or any other purpose elsewhere.
- (d) The stall when not in use shall be placed within the storage unit provided by the Council.
- (e) The Licence Holder shall secure the unit by the use of padlocks or other locking devices approved by the Council.
- (f) The Licence Holder shall keep the storage unit free from accumulations of refuse.
- (g) The Licence Holder shall make the storage unit available for inspection by an Authorised Officer of the Council and to enable its general maintenance.

16. REFUSE

- (a) In respect of traditional sites the Licence Holder and assistants shall ensure that all refuse arising as a result of the activities shall be placed in suitable covered containers provided by the Licence Holder exclusively for that purpose.
- (b) Such refuse containers shall be kept as clean as is reasonably practicable.
- (c) Refuse containers shall be sited in a location agreed with the Council. They shall be emptied whenever necessary into any vehicle, container, compactor, or place provided by the Council for that purpose.
- (d) Licence Holders and their assistants, in respect of footway displays outside shop premises and catering establishments shall ensure that any refuse arising from the external activities is properly stored and disposed of as part of the shop business.
- (e) No refuse shall be allowed to accumulate or be placed in the street.
- (f) No vehicle shall be used for the storage of such refuse.
- (g) The Licence Holder shall produce on demand to an Authorised Officer of the Council, proof of a contract for the disposal of trade refuse.
- (h) Matchday Licence Holders engaged in selling food shall deposit all refuse arising from the activity in easily identifiable refuse sacks provided by the Council.
- (i) The sacks shall be secured and left awaiting collection by the Council or its contractors within the designated site at the end of the trading period.
- (j) In respect of catering establishments, the licence holder when meeting the requirement in Regulation 5(e) shall also remove from tables any used and discarded receptacles.

17. ATTENDANCE BY LICENCE HOLDER

- (a) Traditional Licence Holders must be in attendance throughout the whole or part of the day that the stall is set up for trading unless engaged on the following:-
- (i) A meal break or visit to the toilet.
- (ii) Sickness of short duration.
- (iii) Hospital, dental or doctor's appointment.
- (iv) Occasional attendance at the office of an accountant, tax inspector, bank or Council cash office.
- (v) On holiday.
- (vi) Or for any other sufficient reason that may be approved by the Council from time to time.
- (b) (i) Spurs Matchday Licence Holders availing themselves of the right to trade must be in attendance to set up the stall and for the whole two hour period before the scheduled Kick-off time.
- (ii) The Licence Holder must also be present all of the time that the stall is open for business and dismantled after the game.
- (c) In respect of displays outside shops and catering establishments the Licence Holders usual place of work shall be within the premises.
- (d) At approved Street Festivals the Licence Holder shall be in attendance at the stall throughout the event save that prescribed in 17(a)(i).
- (e) No Licence Holder shall sub-let the stall or any part of the stall or the licensed site, or install a manager to operate the Licence.
- (f) A Licence Holder if required by an Authorised Officer and/or Solicitor to the Council shall furnish the Council with a Medical Certificate obtained at the Licence Holders own expense or other

documentary evidence to support the reasons for any continual or repetitive absences.

10. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT ETC.

- (a) Traders shall notify the London Borough of Haringey in writing on the relevant forms of the name, address and national insurance number of each and every assistant who assists with sales on the licensed street trading pitch. Details of any subsequent change of assistant or any other relevant information regarding assistants shall be given in writing to the London Borough of Haringey.
- (b) The licence holder shall provide the London Borough of Haringey with details of all assistants who may work on the licensed street trading pitch whether the trader is present or not.
- (c) A licensed street trader shall not employ a child in any capacity in the course of his trade or business.
- (d) The licensed trader may employ any other person to assist in the conduct of the business but may not let, assign or part with his interest or possession under this licence, but he may surrender it at any time. The right granted by this licence cannot be sub-let transferred or shared with any other person or party.
- (e) Traders shall notify the London Borough of Haringey of any changes of assistants as soon as the changes occur.
- (f) Any contravention of these regulations by an assistant shall be deemed to be a contravention by the trader whether the trader was present at the time of the contravention or not.

19. ADMINISTRATION

- (a) Licence Holders and assistants must give every reasonable assistance to Council Officers and their contractors in carrying out their duties.
- (b) A Licence shall cease to have effect (*other than being revoked or having expired or on the death of the trader*) only upon it being surrendered by the Licence Holder in exchange for a written receipt at the Council's Street Trading Office.
- (c) A Licence Holder making application for the renewal of a Licence shall bring the completed application form and prescribed fee to the Council Officer by appointment. The two photographs prescribed in the Act if not already forwarded by the Licence Holder shall be handed to the Officer at this time.
- (d) A Licence Holder having appeared before the Council's Licensing Committee where, although there were sufficient grounds to revoke the Licence it was decided to deal with the matter by way of a Warning Letter shall - acknowledge receipt of the Warning Letter by signing and dating and returning one copy of the letter to the Council in the envelope provided within 21 days of its receipt.
- (e) The sending of letters and Notices from the Council by the General Postal Service to the last notified address by the Licence Holder shall be taken by the Council as proper and good service of documents.

20 ASSISTANCE TO LONDON BOROUGH OF HARINGEY OFFICERS

- (1) A trader shall give immediate assistance to London Borough of Haringey officers when requested so to do in the exercise of their official duties.
- (2) A trader shall not use rude or offensive language or behave in an aggressive manner when dealing with any agent, officer or elected member of the London Borough of Haringey.

21 PAYMENT OF CHARGES

- (1) A Trader shall pay all charges in connection with street trading to the London Borough of Haringey, on the dates and intervals advised by the London Borough of Haringey upon the issue

and/or renewal of the street trading licence and in the manner agreed as appropriate for payment by the London Borough of Haringey.

22 CHANGE OF ADDRESS AND CIRCUMSTANCES

(1) A trader shall give notice in writing to the London Borough of Haringey of the change of any of The addresses and circumstances including the trader's health. Notice of a change of address Shall be given within seven days of the said change. Proof of new address will need to be submitted to the London Borough of Haringey. The London Borough of Haringey reserves the right to conduct a home visit to confirm occupancy.

Document is exempt

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