

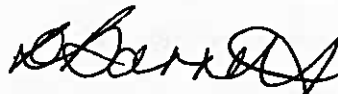
Report for: Licensing Sub Committee - 21st December 2015

Item number:

Title: Revocation of a street trading licence

Report

authorised by : Daliah Barrett-Licensing Team Leader



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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