

## Licensing Sub-Committee

Thursday 25 June 2026

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Jane Salmon (Chair)  
Councillor Renata Hamvas  
Councillor Margy Newens

### Reserves

Councillor Sunny Lambe

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### Access

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#### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 16 June 2026



## Licensing Sub-Committee

Thursday 25 June 2026

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>REVOCATION OF PERMANENT TRADING LICENCE AT PITCH 35 NORTH CROSS ROAD LONDON SE22</b>	1 - 51
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b>	

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**6. REVOCATION OF PERMANENT TRADING LICENCE AT PITCH  
35 NORTH CROSS ROAD LONDON SE22**

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START  
OF THE MEETING AND ACCEPTED BY THE CHAIR AS  
URGENT.**

Date: 16 June 2026

<b>Meeting Name:</b>	Licensing Sub-Committee
<b>Date:</b>	25 June 2026
<b>Report title:</b>	Revocation of permanent trading licence at pitch 35 North Cross Road London SE22
<b>Ward(s) or groups affected:</b>	Goose Green
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	Not applicable
<b>From:</b>	Director of Highways and Parking

## RECOMMENDATION

1. That the following market traders' licence be revoked. Trader A Licence number MAR54101

## BACKGROUND INFORMATION

### Current Licence

2. There has been a serious breach of the permanent licence number MAR54101 on Saturday 4 April 2026, which trader A is alleged to have behaved in an abusive and racially aggravated manner towards another trader (trader B). The allegation is that trader A repeatedly used racially offensive language towards trader B, namely the use of a racial slur, and subsequently engaged in threatening and aggressive behaviour including verbal threats and physical intimidation.

## KEY ISSUES FOR CONSIDERATION

### Permanent Licence

3. Markets established under Section 50 of the Food Act 1984 are applicable to all markets listed in the schedule of market locations, see **Appendix A** and under standard licence conditions in **Appendix B**.
4. The fourth paragraph on page 28 of **Appendix B** of the Food Act Market Trading Licence conditions state 'Where the council considers that a serious breach of the licence condition has occurred, the trader responsible for the alleged breach is liable to be required to attend the committee hearing notwithstanding the above penalty point system'.

5. The list of licence breaches on page 27 also state that under BLC3 abusive or racist behaviour has a penalty of Court proceedings', which could be a prosecution for public order offences and/or an injunction.
6. The sub-committee can decide to:
  - a) Revoke the licence.
  - b) Not revoke the licence
  - c) Add special conditions to the licence.
7. A 'market trading licence' as defined in the standard licence conditions, granted under the Act and valid for a period as specified under the Food Act 1984 part III are valid for at least six months and not more than 3 years.
8. Traders selling on markets which are regulated under the Food Act 1984 part III, do not have a right of appeal at the magistrates' court.
9. If a market trading licence is revoked, the resultant vacancy will be advertised and the licence granted in accordance with council policy. Once the vacancy is filled then any revenue generated will be paid into the markets and street trading account.

### **Permanent Licence History and Breach of Licence**

10. On 9 April 2026, Markets and Street Trading received a complaint from a member of the public about an incident witnessed on 4 April 2026 involving verbal abuse, racially aggravated language and physical aggression and intimidation from trader A directed toward trader B. On 10 April 2026, a further complaint was received from trader B about the same incident, setting out similar allegations of threatening, abusive and discriminatory behaviour.
11. On 14 April 2026, Markets and Street Trading management investigated the matter and interviewed trader A, trader B and another trader (trader C), who had witnessed the incident. Based on the evidence, a serious breach of licence conditions was identified, and with senior management agreement, trader A was suspended with immediate effect on 17 April 2026.
12. Following attendance at the markets office on 14 April 2026, trader A submitted a statement to Markets and Street Trading.
13. Due to the seriousness of the incident on 4 April 2026, trader A was advised that the case had been referred to the Licensing Sub-Committee and was formally invited to attend the hearing on 25 June 2026.

### **Representations from other persons**

14. An additional witness statement from trader D was received by Markets and Street Trading, which further corroborated what had been reported. Interview notes were prepared by management – these notes relay the wording and threatening behaviour of trader A.

## **The London Borough of Southwark Markets Policy**

15. The markets and street trading markets policy was adopted by the Licensing Committee on 20 June 2017.
16. Southwark council (“the council”) recognises the important contribution that markets make to the local economy and the character of the area. They remain an important council service and contribute in a number of ways to the local communities they serve.
17. The council's markets (which are described in more detail in Section 4 of this markets policy) represent an important investment by the council in delivering economic regeneration and town center vitality.
18. The council is committed to maintaining the balance of markets throughout Southwark and ensuring there is consistency in the way markets are operated.
19. The markets policy is available at [Markets and street trading | Southwark council](#) see **Appendix C**

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

20. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

### **Equalities (including socio-economic) impact statement**

21. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions.
22. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

### **Health Impact Statement**

23. Health impacts cannot be considered by law when making decisions under the Food Act 1984 Part III.

## Climate Change Impact Statement

24. Climate change is not factor in the consideration of a grant or revocation of a street trading or markets licence.

## Resource implications

25. There is no fee for this application, and the cost of revocation is to be met by the service.

## Consultation

26. Consultation is not required for this decision.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Interim Director of Law and Governance

27. Under part 3 of the council's constitution, decisions on the council's licensing policies and registration are reserved to licensing committee.
28. Markets established under section 50 of the Food Act 1984, under standard licence conditions. A copy of the scheduled markets are at **Appendix A**. A copy of the Standard Licence conditions for markets are at **Appendix B**. A copy of the Markets Policy are at **Appendix C**
29. The fourth paragraph on page 28 of the Standard Licence Conditions provides that "If the council considers that a serious breach of a licence condition has occurred, the licence holder responsible for the alleged breach may be required to attend a hearing, regardless of the penalty point system.
30. The sub-committee must also be satisfied that the trader has been given 21 days' notice in writing of the hearing and take into account any representations received.
31. The sub-committee can decide to:
- a) Revoke the licence.
  - b) Not revoke the licence
  - c) Add special conditions to the licence.
32. Traders trading on markets which are governed under the Food Act 1984 do not have a right of appeal at the magistrates court but may challenge the decision of the licensing sub-committee in the high (administrative) court by way of a judicial review.
33. The council must have due regard to its public sector equality duty ("PSED") under the Equality Act 2010 ("the 2010 Act"), in particular the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity for those with protected characteristics and foster good relations between those with and without such characteristics. The list of protected characteristics is set out in the 2010 Act.

## Strategic Director of Resources

34. It is noted that replacement casual traders should ensure no overall loss of income to the street trading account. Any variances will be identified during budget monitoring and action will need to be taken as appropriate.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Food Act Part III	Markets and Street Trading SAST House 47 – 53 Dawes Street SE17 1EL	Lisa York Markets and Street Trading Manager 0207 525 6000
Standard Licence Conditions	As above	As above
Market Policy	As above	As above

## APPENDICES

Name	Title
Appendix A	Schedule of Market locations
Appendix B	Food Act 1984 permanent trader standard licence conditions
Appendix C	Market Policy

## AUDIT TRAIL

<b>Lead Officer</b>	John Wade Head of Parking and Network management	
<b>Report Author</b>	Hannah Lilley Team Leader Markets and Street Trading	
<b>Version</b>	Final	
<b>Dated</b>	10 June 2026	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Interim Director of Law and Governance	Yes	Yes
Strategic Director of Resources	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		11 June 2026

## MARKETS SCHEDULE IN THE LONDON BOROUGH OF SOUTHWARK

LOCATION	COMMODITIES	TRADING DAYS
Bermondsey Antiques Market Bermondsey Square SE1 1UN	Antiques	Friday only
East Street Market East Street SE17 1EL	General	Tue – Sun
Westmoreland Road Market SE17 2AX	General / Bric-a-brac	Mon – Sat
The Blue Market Southwark Park Road SE16 3TT	General	Mon – Sat
Choumert Road Market Peckham SE15 4SE	General	Mon – Sat
Blackwood Street Flower Market Blackwood Street SE17 1DA	Flowers / Plants / Trees / Shrubs	Sunday only
Dawes Street SE17 1EL	General	Sunday only
London Bridge Approach SE1	General	Mon – Sat
Atwell Road Peckham SE15 4TW	General	Mon – Sat
Albion Street SE16	General	Mon – Sat
North Cross Road Market Northcross Road SE22 9EU	Arts & Craft / Handmade / Vintage / Organic	Mon – Sat
Highshore Road, Peckham, SE15	General	Mon - Sat
Parkstone Road, Peckahm SE15	General	Mon - Sat
Peckham Square SE15	Arts & Craft / Handmade / Vintage / Organic	Mon - Sun
Camberwell Green, London, SE5	General	Mon - Sat
Canada Water, London, SE16	General	Mon - Sat



# Market Trading licence

**LONDON BOROUGH OF SOUTHWARK  
FOOD ACT 1984 PART III**

**MARKET TRADING LICENCE**

**The London Borough of Southwark (Southwark Council) grants this licence to engage in market trading in the borough.**

This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the licence. It is subject:

- (1) to complying with the Shops Act 1950 and any Act amending it and to any Orders made under it; and
- (2) to any other law or regulation in force.

The licence, unless revoked or given up, continues in force until expiry. On expiring or being revoked, it must be given up to the borough council.

The licence is renewable in accordance with the above Act.

**THIS LICENCE IS VALID ONLY IF IT BEARS A CURRENT STAMP  
– SEE PAGES 3 - 8.**

**LIST OF TIMES OF TRADE**

MONDAY	7am to 5pm
TUESDAY	7am to 5pm
WEDNESDAY	7am to 5pm
THURSDAY	7am to 5pm
FRIDAY	7am to 5pm
SATURDAY	7am to 6.30pm
SUNDAY	8am to 2pm

A licensed trader or his assistant must not begin to set up his receptacle more than 30 minutes before the time for start of trading specified in the licence. The licensed trader or his assistant must remove the receptacle and goods within 45 minutes on weekdays or 60 minutes on Sundays of the expiry time for trading specified in the licence.

**DECLARATION**

I have read the London Borough of Southwark standard licence conditions as printed on pages 9 to 24 and I agree to abide by them.

SIGNATURE

DATE













**LONDON BOROUGH OF SOUTHWARK****STANDARD LICENCE CONDITIONS****1.0 Definitions**

In the Regulations, unless the context otherwise requires, the following expressions have the following meanings:

- 1.1 **'The Act'** means the Food Act 1984.
- 1.2 **'Market'** a place of 5 stalls or more where street traders trade in specified commodities.
- 1.3 **'Market trading licence'** means a licence granted under the Act and valid for the period specified by the licence; this will be at least six months and not more than three years.
- 1.4 **'Temporary licence'** means a licence granted under the Act and valid for a single day or for the period of six months or less specified in the licence.
- 1.5 **'Licence holder'** means you, a person who is licensed for trading under the Act. It also includes your assistant.
- 1.6 **'The council'** means the Southwark Council, also called 'we' in these conditions.
- 1.7 **'Stall'** means any structure you use to display goods or in connection with your business, which occupies a licensed trading pitch. 'Stall' includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. On 'isolated pitches', 'stall' also includes all rubbish created as a result of the business.

- 1.8 **'Receptacle'** includes a vehicle or stall or any other thing that is used (whether or not made or adapted for such use) to contain or display anything used in street trading.
- 1.9 **'Assistant'** means a person acting under your direction or with your implied authority for your benefit, whether or not you employ them and regardless of whether they receive payment, gain or reward for doing so.
- 1.10 **'Awning'** means a sheet of canvas or other material, used as protection against the weather, whether or not it projects as an extension of the roof beyond the structure of the stall.
- 1.11 **'Refuse'** includes any waste material.
- 1.12 **'High-risk food'** means food that will rapidly deteriorate in quality or pose a health hazard (or both) when incorrectly stored or displayed. 'High-risk food (non-packed)' includes all perishable foods that are stored, prepared, displayed or sold without individual wrapping or sealing and includes food for sale from catering stalls.
- 1.13 **'High-risk food (prepared)'** includes all perishable foods that are stored, displayed or sold fully wrapped or sealed where the wrapping or sealing does not take place at the stall.
- 1.14 **'Low-risk food'** includes all fresh fruit and vegetables, canned or dried foods and packaged food with an extended shelf life.

- 1.15 **'Goods'** means any article, thing or service, whether tangible or not, offered for sale or exposed, displayed or advertised at the pitch.
- 1.16 **'Licensed market trading pitch'** means a place in any street authorised as a site where street trading may take place. It includes any alternative place approved by the council or an authorised officer of the council.
- 1.17 **'Pitch limits'** means the authorised ground markings defining the area within which a market-trading stall is to be contained.
- 1.19 **'Stall card'** means a laminated card supplied by the council showing your photograph, name, pitch number and types of goods specified on the licence, with the current address and telephone number of the Markets and Street Trading Office.
- 1.19 **'Sell'** includes offering or exposing for sale and possession for the purposes of selling.
- 2.0 In these conditions:
- words such as 'he' and 'him' include 'she' and 'her' and vice versa;
  - words in the singular include the plural and vice versa.
- 3.0 All other expressions are to be interpreted in accordance with Part III of the Act.

**FOOD ACT 1984 PART III  
SOUTHWARK MARKET TRADING  
LICENCE CONDITIONS**

**General**

1. The operation of Southwark markets shall be governed by Part III of the Food Act 1984 where the number of pitches are five or greater.
2. The Council may charge such fees for the grant or renewal of a markets trading licence, the grant of a temporary licence or for the variation of the conditions of a trading licence.
3. The Council may levy from licence holders such charges as may be sufficient for the effective operation of Southwark market activities.
4. The Council will establish in any location the days, trading times, class or class of articles to be displayed for sale in respect of that market.

**Licensing of Traders**

5. The Licence is personal to a trader and shall be in the name of the registered trader only. At the written request of the registered trader and provided an Agreement has been completed by the Council at the cost of the trader, the licence shall be deemed to include a spouse or cohabitee.

6. When the holder of a licence has specified a relative to whom they desire the licence to be granted dies or retires or notifies the Council that owing to ill health they are unable to continue trading, the licence can be transferred by way of a next of kin transfer. 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, half-sister, uncle, aunt 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.
7. Any application for a proposed partnership must include details of the trader who shall be present on trading days. This person shall be regarded as the registered trader in the event of a breach of these terms and conditions.
8. A registered trader may, at the discretion of the relevant council committee and payment of the relevant application fee, be able to transfer his/her licence to his/her partner or registered assistant subject to the following conditions having first been met:
  - (i) Formal written request from the exiting trader giving details of the new trader to be submitted to the Markets & Street Trading Manager.
  - (ii) The new trader has not previously had a licence terminated by the Council on any Market within the Borough.

9. Traders wishing to surrender a licence are required to give four week's written notice to the Markets and Street Trading Manager of their intention so to do. The same also applies to traders wishing to surrender a second pitch. Surrender will take effect from the last day of the calendar month.
10. Each trading licence renewal shall be valid for a period of no more than three years for permanent traders.
11. Temporary traders are required to register on an annual basis.

## **Applications for licenses/licence renewals**

12. When applying for a licence to trade, a trader shall provide his full name and address, national insurance number, and any other details as may be reasonably required.
13. The Council may refuse an application for a licence or refuse to renew a licence subject to appeal as set out in the appeals process.
14. All pitches surrendered by existing permanent traders will be offered in the first place to existing traders through a length of service priority process.
15. Subsequently any existing temporary traders may make applications.

### Allocation of trading pitches

16. Traders holding a permanent trading licence shall be allocated a fixed permanent pitch from which to trade, subject to the agreed clashing rule.
17. In the event of a licensed trader failing to inform the Markets and Street Trading Manager of his/her absence by such time as set down for each market shall first be offered to licensed traders, subject to the agreed clashing rule: (i) as a move up (ii) as an additional pitch provided it is immediately adjacent (i.e. 101, 103). An additional fee shall be payable by a permanent trader wishing to take up such pitch.
18. Should such vacant pitch not be occupied by a licensed trader, it shall then be offered to casual traders for the payment of a temporary fee.

### Payment of licence fees

19. Licence fees shall be paid by one of the following two methods only:
  - (i) By standing order or direct debit (monthly, in advance).
  - (ii) By payment to the Council via a prepaid invoice. The trader must arrange for payment to be made before the commencement of trading hours using the Council's 24 hour payment line, on-line payment provision or at any of the Council's cash offices
20. Market officers are not authorised to accept cash from traders.

# 23

21. Temporary traders who do not pay pitch fees by specified time will not be permitted to trade on the Market.
22. Licence fees shall only be refunded in line with the refund policy.
23. Permanent licence holders are required to make full licence fee payments irrespective of whether the trader attends the Market. Waivers may be issued according to individual circumstances where proof has been submitted.
24. The above exceptions do not apply where a trader is in arrears with their rent on the relevant date in question.
25. The Council reserves the right to charge interest on arrears at a rate of 4.% above the Bank of England basic rate to be calculated on an annual basis.
26. Where a trader is absent from the Market all arrears must be paid within two weeks of their return to the Market. Failure to comply will result in enforcement action.
27. Any trader in arrears with their licence fee in excess of 2 months may have his/her licence revoked as per the agreed revocation procedure.
28. Any trader who has had their trading licence revoked for non-payment of fees and who intend to appeal will be entitled to trade from that day until the determination of their appeal for a daily fee or pay all outstanding arrears, any amount which is paid daily in excess of the monthly fee will be set aside against the balance of the outstanding arrears.

29. Any permanent trader paying by standing order or direct debit who has made payments on time each month and has not accumulated any arrears between Jan and December of any year shall receive up to one half of their January monthly trading fee refunded.

## **Absence**

30. Permanent Traders are required to advise the Markets and Street Trading Manager if they will not be attending the market before commencement of trading if possible.

## **Insurance**

31. Traders, including temporary traders, **MUST** provide evidence of third party public liability insurance to the Councils minimum requirement at the time but, without prejudice to the foregoing, subject to the minimum of £2,000,000 (TWO MILLION POUNDS) and a trader shall show the Markets and Street Trading Manager on demand of such policy insurance.
32. Traders will indemnify the Council against all costs, claims and damages arising from their use of the stall/pitch, car park or any other facility provided by the Council in respect of the market operation. Traders not producing evidence of insurance will not be permitted to trade until this has been rectified and will be required to vacate the market immediately. No rebate of stall rent will be given in these circumstances.

## Conduct

33. All traders are expected to conduct themselves whilst on the market, in relation to the public, other traders, and council officers in a polite and courteous manner.
34. Traders are responsible for the behaviour of their employees whilst they are on the market. A breach of the regulations by assistants will be deemed to be a breach by the trader.
35. No alcohol, tobacco or illegal substances will be consumed on the Market by traders or by their assistants within the pitch area.

## Hours of operation

36. The market shall operate between the hours set down for that particular market location. There shall be no trading in the event of Christmas Day, Boxing Day or New Years Day falling on a market day unless a prior agreement has been reached by all parties.
37. All traders must vacate the market area by the end of the trading day including the packing up time. No trader shall vacate their pitch before 2pm other than Bermondsey Antiques Market which will be 1pm.
38. The Markets and Street Trading Manager shall have the right to close the market at his/her absolute discretion on the grounds of public safety. Refunds of pitch fees will only be made if the market is closed prior to 10.00hrs on the day of trading.

### Temporary traders

39. The Council will, at its discretion, permit temporary traders to trade from a vacant pitch, including those where the permanent trader is absent, subject to agreed allocation policies.
40. Pitches will be allocated by the Allocation Officers on a daily basis.
41. Once allocated a pitch, temporary traders are required to comply with all the Market Regulations, including the requirement to remove vehicles from the Market area by the specified time set down by that market.

### Emergency access

42. During market hours emergency access must be readily available for use by emergency vehicles attending incidents within the market area and for vehicles requiring to access adjacent premises via the market area.
43. The minimum width required for a fire appliance to pass between stalls is 3.1m.
44. Fire hydrants together with their identifying plates should be kept clear of obstruction and available for use at all times.

**Obstruction**

45. When loading/unloading their vehicles, all traders shall cause the minimum amount of obstruction and inconvenience to the general public, other traders or council employees and contractors. In particular traders must comply with requirements to ensure emergency access as the Markets and Street Trading Manager/Officer deems necessary.
46. No trader shall allow or cause any goods to be placed on any stall/pitch or space such that they encroach beyond the allotted limits of the stall/pitch.
47. The trader must not do or permit anything which may be or become a nuisance to any member of the public, neighbouring business or any occupiers of neighbouring or adjoining stalls/pitches and to use the stall/pitch in a diligent and business like manner.
48. The stalls are erected in accordance with pitch layout held by the Markets and Street Trading Manager and as delineated in the Traders Licence Agreement.
49. Stalls are not to be moved from their respective markers/allocated space.
50. During construction/unloading/dismantling /loading operations traders must ensure that they carry out such in such a manner to safeguard themselves, their colleagues and members of the public.

## Identity

51. All traders are to display their pitch plate in a prominent and conspicuous location on their stall/pitch. This sign must remain in position throughout the trading day.
52. All traders' permanent addresses must be registered with the Markets and Street Trading Manager who must thereafter be notified of any changes. Two forms of documentary evidence of the new address must be supplied.
53. Traders are required to inform the market office of an intended move and submit documentary evidence of their new address.

## Electricity

54. You must ensure that any connection for supplying artificial light to your stall is readily detachable. It must be approved by the Council and not obstruct the carriageway.
55. Except for any special arrangements for high risk food stalls and refreshment stalls, electricity must be used only for lighting, operating electrical sales and tills, and testing electrical goods. Any other uses must have our written consent.
56. The use of fires and kettles of any description is forbidden. If you use or permit the use of such equipment, you will be guilty of gross misconduct and your licence will be revoked without further warning

57. The electrical installation on each stall must be protected by an RCD (residual current device). All electrical equipment must comply with the HSE Electricity at Work Regulations 1989, the IEE Wiring Regulations as amended (or any legislation that supersedes these rules) and the requirement of the electricity provider.
58. You will be held liable for any damage to any installation that we provide to supply electricity if the damage is shown to have been caused by your actions or neglect.
59. You must not use a mobile electricity generator without our written consent.
60. You must not use or permit to be used any radio or other audio equipment or public address system in any licensed market except to demonstrate a particular piece of equipment to a prospective buyer.

### **Waste management and litter**

61. Every trader on the market shall ensure that his/her stall and any adjoining passages, whether used by them alone or in conjunction with other traders, is properly cleared throughout the day so as to ensure that litter is not allowed to accumulate and will be removed from the stall/pitch at the end of the day.
62. you or your assistant must put all refuse arising from your business in suitable containers that you or we supply. The containers must be kept exclusively for that purpose and must be removed or emptied from time to time as necessary into a vehicle or container provided for the purpose.

63. You or your assistant must ensure that all wastewater is collected in a secure container and discharged in a way that does not cause a nuisance.
64. You and your assistant must give every assistance to any contractor employed in refuse or cleaning services. Any arrangements we make to clean trading areas do not take away the responsibilities of you or your assistant under the Environmental Protection Act 1990 (or any subsequent or superseding legislation).
65. Litter bins where provided are for use by the general public only and not trade litter.
66. Traders providing containers for food or drink consumption on the market place shall make such additional arrangements for litter as shall be deemed necessary.

### **Food stalls**

67. All traders operating food stalls shall comply with the provisions of the Food Safety (General Food Hygiene) Regulations 1995 or such other legislation or modification for the time being in force (a copy of which is available to read from the markets officers).
68. A first aid box should be made available and any cuts and abrasions shall be covered by a blue, waterproof dressing.
69. Waste water from sinks, wash hand basins etc must be discharged to the discharge points located near the standings in accordance with the requirements of the Markets and Street Trading Manager.

70. Food handlers should keep their clothing and all parts of the person likely to touch the food clean.
71. Food handlers should wear clean, washable over-clothing, preferably a coat or overall.
72. No unbagged refuse, waste or unfit food is to be allowed to accumulate on or about the stall/pitch. It must be bagged securely on a regular basis throughout the day.

## **Stalls**

73. Any proposed stalls are to be subject to the prior approval of the market authority. It shall be the responsibility of the Council to consult with traders and/or their representative body prior to any changes to existing arrangements.
74. Inevitably, during the stall erection and dismantling process, members of the public will cross the site. Stall erectors must, therefore, take additional care if members of the public are in the immediate vicinity in order to avoid injuring a member of the public.
75. Traders are to provide awnings for their stall/pitch as appropriate. The market authority reserves the right to require traders to use a agreed style, brand or colour of awning.

## LICENCE CONDITIONS FOR ENFORCEMENT AND APPEALS

### Penalty Points System Procedure

Where a trader is in breach of licence conditions the following procedure must be followed:

1. Officer will issue a verbal warning in first instance. The verbal warning will be noted in the officers note book, dated and timed and when possible supported with photographic evidence. The offender at this point in time, has the right to inspect the notes relating to the offence.
2. Persistent offenders will be informed that the matter will be reported by means of a penalty point notice.
3. The Officer shall complete a written warning slip at the time of the inspection and the white copy handed to the trader after they have been offered the opportunity to sign it. If they refuse to sign then 'Refused to sign' shall be written where their signature would normally be placed.
4. If the behaviour of the trader does not enable the officer to hand the white copy to the trader both the white copy and the pink copy should be handed to the Market and Street Trading Manager. In all other circumstances the pink copy only shall be handed to the Market & Street Trading Manager.

5. The Market and Street Trading Manager will write to the trader within 3 days of receipt pointing out the nature of the breach, the number of penalty points incurred and the likely outcome of future breaches i.e. revocation.
6. The Commercial Officer will record on the penalty point's database the details of the trader and the number of penalty points incurred. Should the total number of penalty points reach or exceed the number stated. The trader will be called before the Licensing Sub Committee then the Commercial Officer shall be informed by the Market and Street Trading Manager, if not already aware, in order that such a panel hearing can be arranged.
7. Where the Council considers that a serious breach of any trading licence condition has taken place, the trader responsible for the alleged breach is liable to be required to attend a hearing notwithstanding the penalty point system. **This includes where the licence holder has persistently refused or neglected to pay charges due from him to the Council.**
8. At the hearing officers should note that they might be required to attend in person to give evidence of the breach of licence conditions.

### London Borough of Southwark – Breach of Licence Conditions

Code	Narrative of Breach	Penalty Points
BLC1	Violent behaviour/assault	Court Proceedings
BLC2	Non-compliance with food/health & safety acts	Court Proceedings
BLC3	Abusive or racist behaviour	Court Proceedings
BLC4	Offer for sale of falsely described, illegal or counterfeit goods	Court Proceedings
BLC5	Trading on days & times other than on licence	15
BLC6	Setting up prior to commencement times	10
BLC7	Displaying commodities other than those on licence being sold	10
BLC8	Stalls & goods not removed after trading	10
BLC9	Prices not displayed for goods on sale	10
BLC10	Using receptacles as defined not approved by council	10
BLC11	No amplified music unless playing goods sold	10
BLC12	Contravention to EPA 1990 regarding waste disposal	5
BLC13	Failure to remove staff in the event of an emergency	5
BLC14	Failure to produce trading licence within 7 days	5
BLC15	Traders Vehicle not removed/entering before time	5
BLC16	Oversized trading	5
BLC17	Failure to trade from position indicated on licence	5
BLC18	Failure to supply copy of public liability insurance	5
BLC19	Display of advertisement other than for goods on sale	5
BLC20	Notification of change of address not given	5

Code	Narrative of Breach	Penalty Points
BLC21	Notification of change of assistant not given	5
BLC22	Failure to give assistance to council officers	5
BLC23	When approved mobile electrical generators not positioned correctly	5
BLC24	Failure to display pitch plate	5
BLC25	Unfounded/malicious allegation	5
BLC26	Failure to notify food stall storage address details	5
BLC27	Breach of any other standard licence condition not listed above	5

**Fixed Penalty Notices (FPN's) can be given in place of penalty points.**

Traders receiving 30 penalty points within a rolling twelve-month period will be invited for interview by the Markets and Street Trading Manager at which time consideration will be given as to whether special conditions should be attached to their licence or whether their licence should be considered for revocation.

Serious breaches of the licence conditions may result in legal action. If convicted this could result in a fine of up to £1000 per breach and be followed by revocation of the trading licence.

Appeals against penalty points issued should be made in writing to the Markets and Street Trading Manager. The appeal will be placed before the Licensing Sub Committee for consideration and the trader notified of the outcome of the appeal.

Where the Council considers that a serious breach of any trading licence condition has occurred, the trader responsible for the alleged breach is liable to be required to attend the Committee hearing notwithstanding the above penalty point system.

Please note that failure by any assistant employed by a licenced holder to comply with any of the conditions of the trading licence held by the licence holder shall be deemed to be a failure of the licence holder.

I have read the London Borough of Southwark's Standard Licence Conditions as set out above and agree to abide by them.

Signature: ..... Date: .....

Print Name: ..... Licence No. ....

## NOTES

The Council may revoke or vary or refuse to renew this licence if (1) on account of misconduct, arrears, or any other sufficient reason the holder is in the opinion of the Council unsuitable to hold it; or (2) the space available in the market is insufficient; or (3) the street specified is not a designated market; or (4) the articles specified are of a class which, under the terms of a resolution passed by the Council may not be sold or exposed or offered for sale in the market specified; or (5) the holder has persistently refused or neglected to pay charges due from him to the Council. These payments must be made in advance of trade; (6) the holder has for a period of not less than four weeks not fully excised his rights under the licence.

Notwithstanding any time specified in the final column of the Schedule, this licence does not authorise the holder to trade at anytime in contravention of any Order made under the Shops Acts or any other statutory enactment.

In the event of a trader being unable to trade in the market by-reason of ill health, a medical certificate should be submitted to the Market and Street Trading Manager, as the Council will consider waiving the payment of weekly charge. Payment waiver will only be considered for illness covered by medical certificate for periods of illness in excess of four weeks. The first certificate must be submitted within two weeks of the first day of the period of illness. Except in extenuating circumstances as decided by the Council.

Where the holder of a trading licence is not for the time being exercising his rights under the licence, a temporary licence authorising 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 to the council, 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;
- (b) in any other case 24 hours' notice.

This licence must be produced on demand whilst trading and produced to a police officer or authorised official of the Borough Council on demand. Should this licence be lost, immediate application must be made for a duplicate for which an administration charge will be levied.



If you wish to see a large print copy of this document please contact the Market and Street Trading Office on 020 7525 6000.



**Southwark Markets Policy**

**JUNE 2017**

## The London Borough of Southwark

### Markets Policy



#### 1. Introduction

- 1.1 Southwark Council (“the Council”) recognises the important contribution that markets make to the local economy and the character of the area. They remain an important Council service and contribute in a number of ways to the local communities they serve.
- 1.2 The Council's markets (which are described in more detail in Section 4 of this markets policy) represent an important investment by the Council in delivering economic regeneration and town centre vitality.
- 1.3 The Council is committed to maintaining the balance of markets throughout Southwark and ensuring there is consistency in the way markets are operated. Accordingly, the Council has decided to implement a markets policy which sets out the basis upon which markets are held and the process by which applications for markets shall be considered (“the Markets Policy”).
- 1.4 The Council recognises that there are many different types of market activities and, accordingly, the Markets Policy is intended to cater for each type. In particular, the Markets Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Section 5 of the Markets Policy deals with the different types of market activities and sets out the Council's approach when considering applications in respect of such markets.
- 1.5 During the process of formulating the Markets Policy the Council has consulted the following organisations and departments:
  - National Association of British Market Authorities (NABMA)
  - Southwark Council legal department
  - Southwark Council planning department
  - SAST (Southwark Association Of Street Traders)

- Council Portfolio holder for Markets and Street Trading.

## 2. What is a market?

- 2.1 The Markets Policy is intended to apply to all market events held in Southwark. Guidance notes are set out below indicating which activities the Council regards as being a 'market'. However, these notes are not intended to cover all potential eventualities and the Council reserves the right to apply additional requirements in appropriate circumstances.
- The legal definition of a market is a 'concourse of buyers and sellers'.
  - A market shall be comprised of not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold and normally there shall be a range of different sellers.**
  - A market may be held either outdoors or in a building.
  - There shall be an operator of the market who shall be responsible for the organisation and delivery of the market event.
  - A market operator means the person, body or organisation to which a market licence is granted by the Council.
  - Markets include car boot sales, antique and craft markets, general markets, food markets, farmers' markets and charitable markets. However, this list is not exhaustive.
  - A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy. Where a premises licence under the Licensing Act 2003 for a wider event (which includes a market element) has been issued by the Council then a separate market licence may not be required. However the operator would need to provide all consents and licenses required from the Council. This shall be determined on a case-by-case basis.
- 2.2 The Markets Policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element.
- A **commercial market** is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.
  - Community-based markets** are organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event. The market must be operated on a non-profit making basis and the operator shall, if requested, supply relevant information as proof of this to the Council. While it is recognised and acknowledged that some traders may be selling goods for their own purposes, the Council shall expect there to be a strong charitable element in the way the event is organised.

- 2.3 This Markets Policy does not apply to street trading activities. Street trading is controlled by a different licensing process and relates to the granting of individual trading licences for identified streets.

### 3. Market Rights

- 3.1 The Council, by virtue of its statutory powers, enjoys market rights throughout Southwark.
- 3.2 All markets held in Southwark are licenced and operated in accordance with the provisions of Part III of the Food Act 1984.
- 3.3 The statutory powers afforded to the Council under the provisions of Part III of the Food Act 1984 enable the Council to:
- a) implement a markets policy within its area;
  - b) operate markets within Southwark;
  - c) consider applications for other markets; and
  - d) determine whether such markets can be held by way of consent.

### 4. Council's Markets

- 4.1 The Council licence and operate regular weekly markets under The Food Act 1984. These are
- East Street Market
  - Choumert Road
  - Highshore Road
  - London Bridge
  - Parkstone Road
  - North Cross Road
  - Blue – Southwark Park Road
  - Albion Street
  - Atwell Road
  - Blackwood Street Flower Market
  - Westmoreland Road
  - Deal Porter Square

Southwark Markets Team also licence private operators to operate markets under The Food Act 1984:

- Bermondsey Square Antiques Market
- Camberwell Green (Farmers Market)
- Peckham Square (Farmers Market)
- Druid Street market
- Camberwell Green (Food Market)

- 4.2 In addition to the regular Council markets listed above, the Council also licences occasional market events, such as Christmas Markets, Spring Markets and Summer Markets. When an event coincides with a regular Council licenced market there may be an added cost to the trader to support the cost of the event.
- 4.3 The Council has the power to establish new markets if it so wishes – as either regular or occasional events. Accordingly, the above list is subject to change and shall be updated as part of a periodic review of the Councils Markets Policy. The Council will operate any new markets under the provisions of Part III of the Food Act 1984.
- 4.4 There are a number of isolated pitches (less than 5 pitches) located in the Borough of Southwark. The Council licence these under the London Local Authority Act 1990 (as amended)

## **5. Licensing Private Markets under the Council's Markets Policy**

- 5.1 The Council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence shall be in breach of the Markets Policy and may be subject to the enforcement action described in Section 8 below.
- 5.2 Markets shall only be licensed once an application for a markets licence has been approved (and signed by both the Council and the Market Operator) and the appropriate fee received by the Council.
- 5.3 Market licenses are issued to the market operator identified in the application (“the Market Operator”) and are not transferrable.
- 5.4 The Council shall consider applications in respect of the following categories of market events:
- i) Commercial markets; and
  - ii) Community-based markets with a strong charitable element.

### **i) Commercial markets**

- 5.5 A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes. The Council shall consider applications in respect of commercial markets having regard to the following matters:
- a) No market shall be authorised within 6 2/3 miles of an existing licensed market unless it can be demonstrated that the new market shall not undermine the existing market and not prejudice the overall market offer.
  - b) The applicant is required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.

- c) The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
- d) The applicant must ensure that all other necessary consents and licences have been obtained prior to the market taking place.
- e) A fee must be paid in respect of any consent given by the Council, which shall be based on both the size of the market and the frequency with which the market is held. The fee must be paid before the market is held.
- f) Fees and charges are reviewed annually and are available on the Southwark Council website.
- g) In respect of any consent the Market Operator must have adequate insurances in place and ensure that all stallholders have their own adequate insurances in place (this should be the **minimum of £5 million**).
- h) All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.
- i) The Council shall look for the proposed market to complement existing retail activity in the local area and support the Council's objective of helping to create thriving town centres that are attractive and welcoming.
- j) Following outline approval of an application a licensing agreement must be entered into between the Operator and the Council and such licensing agreement must be signed by both the Council and the Operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including the following:
  - i. Waste disposal arrangements
  - ii. Road closures and traffic management
  - iii. Noise and nuisance
  - iv. Health and safety issues
  - v. Power usage
- k) The Council shall insist on any other requirements as are deemed appropriate

## **ii) Community-Based Markets with a Strong Charitable Element**

- 5.6 Community-based markets are normally organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event.
- 5.6.1 The Council shall consider applications in respect of community-based markets having regard to the following requirements:

- a) The markets must be operated on a non-profit making basis to assist a charity or community event and the Operator shall supply relevant information to the Council if so requested. While it is acknowledged that some traders shall be selling goods for their own purposes, the Council shall look for the event to have a strong charitable element in the way the event is organised.
- b) The applicant shall be required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.
- c) The applicant shall be required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
- d) The applicant must ensure that all necessary consents (e.g. planning) have been obtained prior to a market taking place.
- e) Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.
- f) In respect of any consent the Market Operator must have adequate insurances and all stallholders should have a minimum of £5 million public liability insurance cover in place. Where individual stallholders do not have their own public liability insurance cover in place the insurance cover held by the Market Operator should cover the activities of these stallholders.
- g) All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.
- h) Following outline approval of an application a licensing agreement must be entered into between the Operator and the Council and such licensing agreement must be signed by both the Council and the Operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including the following:
  - i. Waste disposal arrangements
  - ii. Road closures and traffic management
  - iii. Noise and nuisance
  - iv. Health and safety issues
  - v. Power usage
- i) The Council will insist on any other requirements as are deemed appropriate.

5.8 Applications in respect of both commercial markets and community-based markets should be made to:

Markets and Street Trading  
 47 – 53 Dawes Street (SAST House)  
 London  
 SE17 1EL or online at [streettrading@southwark.gov](mailto:streettrading@southwark.gov)

### **iii) Process for determining market licence applications**

- 5.9 An electronic version of the Council's Markets Policy, together with the relevant market licence application form, can be viewed and downloaded from :  
streettrading@southwark.gov.uk
- 5.10 The Council will endeavour to deal with applications for a markets licence within a period of twenty working days from receipt of the application. Applicants are urged to submit an application as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application the Council will require sufficient information to deal with all the issues set out in the criteria listed above and also covered on the application form. Failure to provide such information is likely to lead to a delay in the Council coming to a decision.
- 5.11 If the Council fail to respond to a licence application after a minimum of 20 days after the application has been received the licence will be granted by way of a tacit consent. A licence application can only be considered once the Markets and Street Trading department are in receipt of an application and all required consents.
- 5.12 The authority to grant a market licence is held by the Markets Manager with this power being delegated under the Council's constitution and scheme of delegation.
- 5.13 All decisions to grant market licenses are made at the discretion of Southwark Council.
- 5.14 Once a licence is issued the licence holder will sign the licensing conditions to ensure compliancy while trading on all Southwark markets and isolated pitches.
- 5.15 The licence issued will be either a temporary or permanent licence.
- 5.16 A temporary or permanent market licence will be issued under the Food Act part III (1984).
- 5.17 A temporary or permanent street trading licence will be issued under the London Local Authorities Act 1990 (as amended).

#### **iv) Appeal process**

- 5.18 If the Council decides to refuse an application for a market licence it will contact the applicant and set out the reasons for its decision.
- 5.19 There is no statutory right of appeal against refusal to issue a market licence, however, you may appeal against the decision through the Southwark Council Complaints Procedure.
- 5.20 Any appeal against a decision to refuse a market licence must be made in writing to the Council, setting out the reasons the applicant believes the refusal is

unwarranted.

- 5.21 On receipt of an appeal request the decision to refuse the market will be reviewed and the applicant informed of the outcome. The decision will be made by the Markets and Street Trading Manager.
- 5.22 A temporary market licence holder or temporary street trading licence holder does not have the right of appeal to Licensing Committee if the licence conditions are breached. The licence holder will be subject to the licensing conditions and will refer to Appendix 1 penalty points system procedure.
- 5.23 Any disputes regarding the penalty points procedure shall be reviewed by the Markets and Street Trading Manager.

#### **v) Renewing a market licence**

- 5.24 Market Operators should re-submit their application every 12 months if they wish to continue to operate a regular market. This must be done at least one month before their current market licence expires.
- 5.25 The Council will not send out reminders for renewals. It is up to the operator to renew their application on time. Lapsed market licenses will be treated as a new application.

### **6. Market Licence Fees**

- 6.1 A licence fee is payable once an application for a market licence has received in principle approval from the Council. A licence agreement will not be drawn-up by the Council until the appropriate fee has been received.
- 6.2 The licence fee will be dependent on the type of market being held:
  - i) Commercial Markets - The licence fee for commercial markets will be based on the size of the market and the frequency of the market.
  - ii) Community-based Markets - Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.
- 6.3 Please refer to paragraph 5.5 (f)

### **7. Other Approvals**

- 7.1 It is important to emphasise that any approval given by the Council in accordance with this Market Policy shall not remove the requirement for any other relevant approvals, consents and licences to be obtained by the Market Operator.
- 7.2 Where the market is being held on private land the Market Operator must ensure that the prior approval of the relevant landowner is obtained.
- 7.3 The Market Operator shall be responsible for any temporary road closures and associated traffic management arrangements that may be required in order to facilitate the operation of the market.
- 7.4 The Market Operator should consult with the Council's Planning Department to ascertain whether planning consent is needed for the market to operate. Any market held in the same location for 14 or more days in a calendar year will require planning consent.
- 7.5 Attention is also drawn to the provisions of the Licensing Act 2003 a Temporary Events Notice might be required in respect of the sale of alcohol.
- 7.6 The Council may require evidence of these approvals being obtained prior to the granting of a market licence

## **8. Enforcement**

- 8.1 The Council will monitor the application of its Markets Policy and any market event which is operated after the date of the adoption of this Markets Policy will be subject to the Council's requirements and byelaws.
- 8.2 Any market which is not approved by the Council under Section 5 of its Markets Policy will be subject to legal action and the Council may seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.
- 8.3 Any market operator acting in contravention of any market licence granted by the Council will run the risk of the licence being terminated by the Council with immediate effect on such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for market licences submitted by the operator concerned or any person or organisation associated with the operator.
- 8.4 Any costs of, or associated with, enforcement action deemed necessary as a result of the Market Operator's failure to comply with the Market Policy will be recovered from the Market Operator.

## **9. Review**

- 9.1 We will review this policy as necessary. We will continue to evaluate the policy and may update it at any time.



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**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2026-27**

**NOTE:** Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

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