

Item No. 5.	Classification: Open	Date: 30 January 2017	Meeting Name: Licensing Sub-Committee
Report title:		Revocation of Trading Licences	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the market trading licences of the traders identified in the closed report have their licences fully revoked or conditions added to their licenses for non-payment of fees.

BACKGROUND INFORMATION

2. Markets established under Section 60 of the Food Act 1984, applicable to all markets listed in the schedule of market locations contained at Appendix A, operate under agreed byelaws for markets, and under standard licence conditions.
3. Section 27 of the standard licence conditions states "Any trader in arrears with their licence fee in excess of two months may have his/her licence revoked as per the agreed revocation procedure".
4. The sub-committee can decide to:
 - a) revoke the licence
 - b) vary the licence (to reduce the number of trading hours, change the trading location or restrict the goods which can be sold)
 - c) add a condition to a licence
 - d) not revoke the licence.
5. Traders in arrears by eight weeks or more are identified by the senior market officer. Debt letters are sent out by post to traders. Traders should then contact the Street Trading Manager to either pay up in full, or agree a payment plan. If the trader does not contact the office regarding payment a further letter is sent to inform the trader that a report will be put before the licensing sub committee proposing their trading licence is revoked for non-payment.
6. Traders trading on markets which are governed under the Food Act 1984 do not have a right of appeal at the magistrates' court.
7. If a street 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.

KEY ISSUES FOR CONSIDERATION

8. The sub-committee must be satisfied that the trader has failed to pay the fees connected with their licence for a period of two or more months.
9. 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.

10. Initial debt notices were sent to all the traders identified in the closed report on 8 December 2016. Notices of proposal to revoke were sent on 23 December 2016.

Policy implications

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

Resource implications

12. To mitigate the loss new casual traders' will be recruited to fill vacancies paying a higher daily fee and debt for revoked traders will be pursued by the in-house debt recovery team.
13. Debt for revoked traders will be pursued by the in-house debt recovery team following the councils debt recovery process.

Community impact statement

14. This decision has been judged to have no or a very small impact on local people and communities. Each application is to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

15. Under part 3 of the council's constitution, decisions on the council's licensing policies and registration are reserved to licensing committee.
16. Markets established under section 60 of the Food Act 1984, operate under agreed byelaws for markets, and under standard licence conditions. A copy of the byelaws for markets will be available to the sub-committee at the hearing. A copy of the standard licence conditions are annexed at Appendix B.
17. Section 27 of the standard licence conditions states "Any trader in arrears with their licence fee in excess of two months may have his/her licence revoked as per the agreed revocation procedure".
18. The sub-committee must be satisfied that the trader has failed to pay the fees connected with their licence for a period of two or more months.
19. 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.
20. The sub-committee can decide to:
 - a) revoke the licence
 - b) vary the licence (to reduce the number of trading hours, change the trading location or restrict the goods which can be sold)
 - c) add a condition to a licence
 - d) not revoke the licence.
21. Traders trading on markets which are governed under the Food Act 1984 do not have a right of appeal at the magistrates court.

22. 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 Finance and Governance

23. This report recommends that street trading licences of certain traders be revoked or conditions added to their licenses for non-payment of fees. The financial implications are contained in paragraphs 12 to 13.
24. The strategic director of finance and corporate services confirms that no bad debt provision is made in the street market trading account. It is expected that every reasonable effort will be made to recover these debts, following the council protocols. Should any debt be deemed irrecoverable, it’s write off will be carried out in line with council procedures.
25. 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 1984	Street Trading Section SAST House Dawes Street London SE17 1EL	Lisa York 0207 525 6000
Byelaws	As above	As above
Standard licence conditions	As above	As above

APPENDICES

No	Title
Appendix A	Markets’ schedule
Appendix B	Food Act 1984 licence conditions
Appendix C	Template of notice of proposal to revoke

AUDIT TRAIL

Lead Officer	Nicky Costin, Road Network and Parking Business Manager	
Report Author	Hannah Lilley, Senior Market Officer	
Version	Final	
Dated	16 January 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	19 January 2017	