

Item No. 7.	Classification: Open	Date: 1 July 2015	Meeting Name: Licensing Committee
Report title:		Rescission or Variation of Licence Street Designations in Southwark	
Ward(s) or groups affected:		The Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the committee resolves to consult on whether to rescind or vary the licence street designation of Moncrieff Street SE15 5EZ identified in Appendix 1.

BACKGROUND INFORMATION

2. Since the London Local Authorities Act 1990 was adopted, a list of designated street trading areas ("licence streets") has been in place throughout the borough.
3. In April 2015 planning permission was given to Meteor Investments Limited to develop the property known as 87-95 Rye Lane, junction with Moncrieff Street (14/AP/3398). In order to be Disability Discrimination Act 1995 compliant, the developers have obtained permission to change the current fire escape on Moncrieff Street to become the main side entrance with disabled access to the business as well as an emergency escape route.
4. The developers legal representatives Woodroffes have written to the Council seeking the de-designation of the pitch 1 immediately adjacent to the property currently occupied by Mr Melki selling bed linen and bedding on Moncrieff Street to facilitate this proposal. This letter is attached as Appendix 2.

KEY ISSUES FOR CONSIDERATION

5. Section 24 of the London Local Authorities Act 1990 (as amended) states the procedures which must be followed and these are addressed in the concurrent from the strategic director of communities, law & governance.

Policy implications

6. The council may from time to time pass any of the following resolutions:
 - a) A resolution designating any street within the borough as a licence street (a designating resolution).
 - b) A resolution specifying in relation to any such street or part of a street any class of articles which they will, or other than which they will not, prescribe in any street trading licence in respect of that street.

7. The council may also from time to time by subsequent resolution rescind or vary any such resolution.

Community impact statement

8. The Markets and Street Trading Strategy aims to ensure that markets are inclusive of all residents of the borough and meet all the criteria in the council’s equalities policy.

Resource implications

9. There are no immediate resource implications as the stallholder would be able to move to a vacant pitch immediately behind his current pitch. A map showing the position of the vacant pitches is attached as Appendix 3.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

10. Under Section 24 of the London Local Authorities Act 1990 (“the 1990 Act”), the council can designate streets within Southwark where it considers it appropriate for licensed street trading to take place. These are known as ‘licence streets’, and the council may issue street trading licences for those streets, in accordance with the terms of the designation.
11. Section 24 also gives the council the power to rescind or vary any such designations. The procedure for rescinding or varying the designation of a street as a licence street is also set out in Section 24.
12. Before passing a resolution rescinding or varying a designation the council must consult with any affected licence holders or their representative body.
13. If the council fails to comply with the statutory procedure then the resolution may be invalid.
14. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, decisions relating to licensing matters cannot be the responsibility of an authority’s executive. Under Part 3 of the council’s constitution, decisions in relation to street trading are the responsibility of the licensing committee.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Local Authorities Act (as amended)	Street Trading Section: SAST House, Dawes Street, London SE17 1EL	Hannah Lilley 0207 525 6009
Markets and Street Trading Strategy	160 Tooley Street, London SE1 2QH	John McHenry 020 7525 6002

APPENDICES

No.	Title
Appendix 1	Map of existing street trading pitch
Appendix 2	Copy of letter from Woodroffes solicitors.
Appendix 3	Map of proposed trading pitches

AUDIT TRAIL

Lead Officer	John McHenry, Markets and Street Trading Manager	
Report Author	Hannah Lilley Senior Markets Officer	
Version	Final	
Dated	12 June 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Environment and Leisure	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	15 June 2015	