



City of Westminster

Committee Agenda

Title: **Licensing Urgency Sub-Committee**

Meeting Date: **Thursday 5th December, 2019**

Time: **11.00 am**

Venue: **Room 18.01-03, 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Karen Scarborough (Chairman)
Louise Hyams
Aicha Less



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne.

kscharlemagne@westminster.gov.uk
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

- 1. MEMBERSHIP**
- 2. DECORATIONS OF INTEREST**
ITEMS FOR DETERMINATION
- 1. LICENSING COMMITTEE REPORT - TACHBROOK STREET
MARKET ELECTRICAL UPGRADE AND PITCH
REALIGNMENT- AXR 141119**

(Pages 7 - 16)

**TACHBROOK STREET MARKET ELECTRICAL UPGRADE
AND PITCH REALIGNMENT PROPOSAL (CATHERINE
BRICE)**

Report of the Director of Public Protection and Licensing and the
Director of Economic Development.

**Stuart Love
Chief Executive
27 November 2019**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

PERMITTED TEMPORARY ACTIVITIES

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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Licensing Committee Report

Date	05 November 2019
Classification	For General Release
Title or report	Tachbrook Street Market Electrical Upgrade and Pitch Realignment Proposal
Report of	Director of Public Protection & Licensing/Director of Economic Development
Decision maker	Licensing Committee
Wards involved	Tachbrook, Warwick, St James's
Financial summary	There are no direct financial implications as a result of this report.
Report author and telephone	Catherine Brice, Head of Westminster Markets. 0207 641 1432

1. Executive Summary

- 1.1 This report sets out the proposed electrical infrastructure upgrade and subsequent pitch realignment for Tachbrook Street Market. This includes the rationale to realign the current market layout, a background to the electrical upgrade and the benefits these changes will deliver, to ensure the market thrives and proposers.
- 1.2 The proposals have been designed to implement the necessary improvements to trader's electricity access, in line with commitments made in the Council's Markets Strategy, whilst improving health and safety and wayfinding at the market. The aim is to create a modern destination market, where vendors can trade safely, and visitors navigate more easily. The council wants to move away from independent sources of energy which are also unsafe and environmentally impactful and provide a robust solution for safe and efficient energy supply to traders. Without implementing a new layout, the electrical upgrade will not be able to take place. This electrical implementation is vital to ensure the future of the market and encourages new traders with up to date infrastructure.
- 1.3 Relevant Cabinet Members and Ward Councillors have been briefed and consulted on the proposed changes.



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2.0 Recommendation

2.1 The Committee is requested to consider the proposals and asked to approve, if appropriate, the proposed new layout of the market including the reduction in the overall number of pitches.

3.0 Background

3.1 The Council's Market Strategy identifies the need for improvements in infrastructure and re-design within the local plan for Tachbrook Market. The aim is to create a modern destination market, where vendors can trade safely, and visitors navigate more easily.

3.2 The current electrical assets are near the end of their lifespan and some are already unusable. Replacing the existing electric system is imperative. The current below ground power bollard solution has historically struggled with water ingress, making it prone to frequent fault.

3.3 In the 2018 Markets Consultation, feedback from traders emphatically stated the need for an urgent electrical upgrade, with the need for a more sophisticated power supply system that allocates one bollard per pitch.

3.4 The proposed new scheme will also reduce ground level street cabling which currently is a hazard to both customers and traders.

3.5 The current layout of Tachbrook Market provides space for 33 pitches. Due to the nature of the traders most do not have a 1 meter gap between hot food stalls, which is suggested for fire safety grounds. The situation is exacerbated as there are different pitch sizes on different days of the week causing overcrowding. The lack of clear pitch demarcations and numbering also represents challenges for City Inspectors, making day to day management more difficult.

3.6 The proposed pitch standardisation will reduce the overall number of pitches to 24 stalls and ensure all comply with health and safety recommendations. All these stalls will have access to safe and sufficient power to run their business operations.

3.7 A further consideration fed back through the Markets Consultation, from both traders and the community, was the need for seating on the Market. The traders felt seating would encourage visitors to stay longer, with the possibly of encouraging a higher spend. In response, the Markets Development team acquired five sets of tables and



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benches from the ward members that are erected daily at the market, this has been well received by traders and the community.

4.0 Electrical Upgrade

4.1 The electrical upgrade will involve installing 24 new electricity bollards in line with existing street furniture along the market frontages and will allow:

- the provision of a safer and more sophisticated power supply system which allocates one 16amp bollard per pitch and one smart cable per bollard.
- increased safety, with a new monitoring system within the feeder pillars which cuts out if a fault is found or if power overloads
- a reduction of the number of maintenance callouts and loss of trader business due to water ingress, burnt out sockets and tripped fuses
- the Council to recover the cost of trader power consumption. To date the Council has not charged traders for their electricity consumption as the technology was not available to do so. However, with the emergence of Electric Vehicle Charging technology, there is a model now to monitor and charge electricity to each individual trader. The new technology includes meters that will ensure traders are only charged for the power they use individually at a set cost per kWatt.

5.0 Pitch realignment

5.1 The proposed pitch realignment will ensure the market is safer by eliminating the risk of fire spreading between hot food stalls. This will involve introducing a 1 metre gap between hot food traders (with the exemption of four traders operating double pitches – see attached diagram below) and will:

- Standardise pitch sizes to 3m x 3m to improve the markets image
- Reorganise the market layout to improve wayfinding and market appearance
- Create clear pitch markings with pitch number locations to avoid confusion
- Ensure equal pedestrian circulation from either end of the market by aligning traders along the retail frontages, with each facing the other from either side of the street.



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6.0 Implications for trader licences

- 6.1 Street trading in Westminster is governed by the City of Westminster Act 1999. In the case of Tachbrook Market, the street is designated and there is an approved layout. A change in layout must be approved by Licensing Committee.
- 6.2 The proposed layout changes have been designed to minimise impact on the traders whilst, at the same time, allowing each pitch access to electricity. Only traders that use electricity will be charged and only according to their individual usage. The rate will be set inline with current rates for electricity usage.
- 6.3 The new proposed layout has enough pitches to accommodate all of the current licensed traders.
- 6.4 Market traders have already been consulted with regarding the electrical upgrade proposal, inviting them to make comments as part of a formal consultation.
- 6.5 Currently there is only one permanent trader on Tachbrook Market. All the other traders are trading on temporary licences. Following the public realm work for the electrical upgrade and approval by The Committee of the proposed new layout traders will be invited to apply for permanent licences. It is anticipated that this application window would be between February and March 2020 and the applications would be determined and granted in May 2020.
- 6.6 Only one objection was submitted in response to the consultation. Below is an overview of the objection points received from the trader. See Appendix 3.

7.0 Next steps and timeline

- 7.1 Subject to the Committees approval of this proposal, officers would recommend and plan for a January implementation of the electrical upgrade.
- 7.2 Detailed analysis has taken place to ensure that work interventions are minimal and managed properly. Officers recommend the best option to proceed is to close the market for the third week of January - typically the quietest period on the market. It is not deemed possible to relocate the traders to other sites during works as the majority require power to operate. Traders have been spoken to and in agreement that if the market is closed for a week in January this will not adversely affect their business operations.
- 7.3 The works will be implemented in seven working days.



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8.0 Staffing Implications

8.1 There are no staffing implications as a result of this report

If you have any queries about this report, please contact:

Catherine Brice, Head of Westminster Markets.

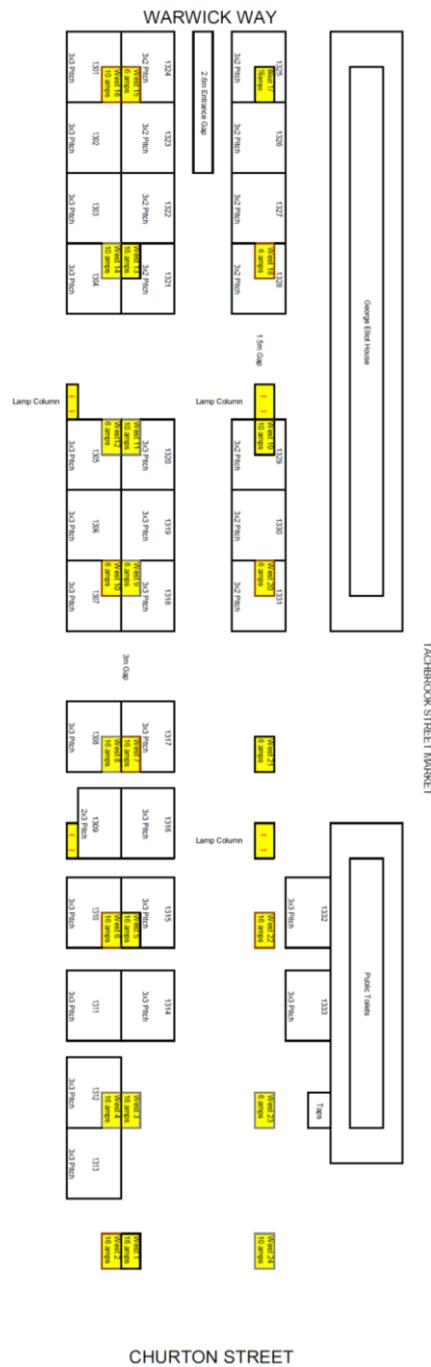
cbrice@westminster.gov.uk

02076411432



Appendices

Appendix 1 – current layout of Tachbrook Street Market





Appendix 2 - proposed new layout of Tachbrook Street Market





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Appendix 3 - Comments received by the council follow the consultation with the traders on the proposed electrical upgrade.

All five comments were made by one trader,

1. Implementing one metre gaps between stalls would cause a risk to stall security as currently traders on neighbouring pitches watch over each other's stalls.
2. By isolating stalls, gazebos and trader infrastructure is likely to be damaged by high winds.
3. The centre of the market square is currently not used as much by pedestrians when compared with the pavement. It is important to note as there is no clear thoroughfare in the market, pedestrians walk in many different directions through the market square.
4. As stalls are currently next to each other, customers can browse other stalls whilst shopping.
5. By turning the pitches to face inwards, stalls will miss passing trade from pedestrians on the streets running parallel to the market square. on the streets nearby.

6.7 In response to the objection

1. **Implementing one metre gaps between stalls would cause a risk to stall security as currently traders on neighbouring pitches watch over each other's stalls.**

Fire safety officers have recommended a 1metre gap between stalls in order to ensure the safety of those in the market in case of a fire on a stall. The 1metre gap significantly reduces the likelihood of fire spreading. Officers have also assessed this risk for non-hot food traders and recommend that a 1 metre is not substantial enough to cause serious risk to the security of the stall. This also future proofs the market so each stall could either be a hot food or non-hot food stall in the future – giving the market additional opportunity for new products.

2. **By isolating stalls, gazebos and trader infrastructure is likely to be damaged by high winds.**

All traders need to have their own weights to secure their infrastructure in all types of weather conditions. Additional weights should be used in cases of high winds as opposed to relying on neighbouring stalls to tie them down. The trader



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from which this objection was raised from does not currently have any neighbouring stalls from Monday – Wednesday.

3. The centre of the market square is currently not used as much by pedestrians when compared with the pavement. It is important to note as there is no clear thoroughfare in the market, pedestrians walk in many different directions through the market square.

The new layout will introduce a clear pathway through the market, directing customers down the centre enabling each stall to be seen. The seating is also placed in the middle of the square to encourage those to remain in the market square with the middle providing a clear and direct walkway.

4. As stalls are currently next to each other, customers can browse other stalls whilst shopping.

One metre does not seem a substantial enough distance to cause a significant change to this. In addition, the proposed layout will allow customers to view the market as a whole rather than only a few stalls at one time, hopefully actually enhancing the shopping experience as opposed to disrupting it. Once again this future proofs the market so each stall can be a hot food or non-hot food stall in the future.

5. By turning the pitches to face inwards, stalls will miss passing trade from pedestrians on the streets running parallel to the market square.
6. Regardless of which direction the pitches face, the market will still be visible to those walking on the streets nearby. Additional market signage is currently going through planning to really raise visibility of this market and we are also introducing a much greater level of PR and marketing than currently exists.

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