



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Wednesday 24th February, 2021**, This was a Microsoft Teams virtual meeting.

Members Present: Councillors Murad Gassanly (Chairman), Barbara Arzymanow and Maggie Carman

Officer Support:

Legal Officer:	Horatio Chance
Policy Officer:	Terry Simpkin
Committee Officer:	Cameron MacLean
Presenting Officer:	Shannon Pring

1. MEMBERSHIP

There were no changes to the Membership of the Sub Committee.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. TACHBROOK STREET MARKET PERMANENT LICENCE APPLICATIONS

Licensing Sub Committee (6)

Thursday, 24 February 2021

Members Present: Councillors Murad Gassanley (Chairman), Barbara Arzymanow, and Maggie Carman.

Officer Support:

Legal Officer:	Horatio Chance
Policy Officer:	Terry Simpkin
Committee Officer:	Cameron MacLean
Presenting Officer:	Shannon Pring

Present: Mr Anil Drayan, Environmental Health Service.

Representations: Representations had been received from the Environmental Health Service (EHS); the Metropolitan Police Service (MPS); and residents.

Applicants: Various Market Traders

Ward: Warwick and Tachbrook Wards

CIA¹: Not applicable

¹ Cumulative Impact Area

INTRODUCTION

The Chairman welcomed everyone to the meeting and introduced the Members of the Sub Committee and the Council Officers who would be supporting the Sub Committee. The Chairman explained the procedure that would be followed at the meeting before inviting the Presenting Officer, Mr Kevin Jackaman, to present the report.

REPORT OF THE DIRECTOR OF PUBLIC PROTECTION AND LICENSING

The Sub Committee considered a report of the Director of Public Protection and Licensing regarding the revised layout of Tachbrook Street Market (“the Market”), which operated between Warwick Way and Churton Street in Warwick Ward.

The revised layout of the Market had been agreed by the Licensing Committee (“the Committee”) on 8 July 2020 when it had agreed to upgrade the electrical infrastructure of the Market to make the electrical supply to the Market safer and more user-friendly. The new layout of the Market, which reduced the number of pitches from 33 to 23, would take effect at the end of March 2021 when the electrical upgrade work had been completed.

It was noted that there were currently 14 traders on the Market trading across 33 pitches, all of whom, with one exception, were trading on temporary licences, and that there were 17 vacant pitches. Traders and Members of the Public were invited to apply for street trading licences at the Market. Between November 2020 and January 2021, 18 applications were received; 12 from traders currently trading at the Market, and six from people who were not currently licensed to trade in Westminster.

The Sub Committee was, therefore, requested to decide which of the applications should be approved. In so doing, the report set out the following recommendations.

Recommendations

That the Sub-Committee -

1. Approve the recommendations of the applications set out in sections 3.6.1 to 3.6.18 of the report.
Specifically: That the Sub-Committee -
 - (a) Refuse the application with the lowest score, as per the scoring criteria;
and
 - (b) Grant the remaining 17 applications for street trading licences.
2. Amend the applications (specifically the pitch applied for) in order to allow for a greater mix of commodities across the market.²
3. Approve the further conditions set out in Section 4 of the report, to be imposed on all granted street trading licences.

² A suggested layout of the Market was included at Appendix 6 of the report.

PRESENTATIONS AND SUBMISSIONS

Ms Shannon Pring, Senior Practitioner, Street Trading, Public Protection and Licensing

Ms Shannon Pring, Senior Practitioner, Street Trading, presented the report. Ms Pring noted that all the traders, with one exception, were currently operating on temporary licences. The one trader who was operating on a permanent licence had sought a variation of his licence which had subsequently been approved and would take effect on completion of the electrical works. Ms Pring stated that, should the Sub Committee approve the recommendations set out in the report, it was anticipated that the new licences would take effect from 6 April 2021.

By way of concluding her presentation, Ms Pring corrected a small number of typographical errors in the report.

Mr Anil Drayan, Environmental Health Service (EHS)

Mr Drayan stated that EHS had been asked to look at the Food Hygiene and Health and Safety standards that were pertinent to the applications before the Sub Committee. He stated that the EHS had no concerns regarding Food Hygiene or Health and Safety issues.

Questions by Members

In response to several questions by the Chairman and Members of the LSC, officers provided the following information.

1. Regarding the scoring system used when assessing applications and how the scores were then used in formulating the recommendations before the Sub Committee, Ms Pring stated that –
 - The application criteria for advertising and approving permanent street trading licence applications had been agreed by the Licensing Committee on 27 March 2019.³
 - The available pitches at the Market were subsequently advertised for a two-month period and traders who submitted applications were invited to submit additional information if any information was missing from their application.
2. The scoring system used to assess applications tied in with the Council's policy as set out in Section 5: Policy Considerations, of the report before the Sub Committee. The principal policies applied in assessing the current applications were [Street Trading] ST3 and ST8, which stated –

ST3: The Licensing Service will fill vacancies according to the following criteria to maximise occupancy of street trading pitches and provide opportunities for start-up businesses and those part of Enterprise Schemes"; and

ST8: Licence holders will be permitted to sell any goods, or any combination of goods subject to the following criteria. Applications to change the goods sold by a licence holder will generally be granted unless one or more of the following criteria apply. Goods listed in Appendix A will not be permitted.

³ A copy of the report to the Licensing Committee was attached to the report at Appendix 3.

3. Regarding how the Market would be monitored for good practice following approval of any licence applications, it was reported that all the Council's markets were subject to inspection by City Inspectors and the Council's Market Development Team who were in the markets on a regular basis and who could forward any concerns by traders or anyone else to the Licensing Authority.

In addition, the EHS carried out annual Food Hygiene and Health and Safety inspections of the Market, as well as following up on any complaints relating to Food Hygiene, Health and Safety, and nuisance.

4. Regarding the provision of public toilets, the public toilet at the market was for the use of traders. However, because of misuse by the public, it had been necessary to close the toilet. An application had recently been received to convert the premises into a food premises with a toilet facility for the use of traders only.

If a toilet was not available for traders to use, traders were expected to make their own arrangements with local businesses, and it was the understanding of the EHS that this was how the provision of toilet facilities operated at Tachbrook Market.

At this stage in the proceedings, the Chairman invited the traders present to make any submissions they might wish to make to the Sub Committee and/or to ask any questions.

1. In response to a request, Ms Pring stated that the criteria used in assessing applications was set out in the report that was before the Sub Committee which was publicly available. She stated that copies could also be sent to anyone requesting a copy.
2. Details of how the recommendations in the report came to be made were set out in the report of the Director of Public Protection and Licensing.

SUMMING UP

As there were no more questions or requests to make representations, the Chairman invited the parties to sum up their presentations.

Ms Pring, Senior Practitioner, Street Trading, Public Protection and Licensing

Ms Pring stated that, because more applications for pitches had been received than the number of pitches available, it was necessary for the Sub Committee to determine which of the applications should be granted and which application(s) should be refused. Furthermore, the Sub Committee was requested to decide which pitch or pitches were to be allocated to those applications which were approved.

Mr Drayan, Environmental Health Service (EHS)

Mr Drayan confirmed that he had nothing further to add and, therefore, he did not require to sum up his presentation.

Comments and/or Questions by the Legal Adviser and/or Policy Officer

In response to a question by the Chairman, Mr Chance, Legal Adviser to the Sub Committee, and Mr Simpkin, Policy Officer, confirmed they had nothing to add by way of comment or any questions.

ADJOURNMENT

At this stage in the proceedings, the Chairman adjourned the meeting to allow Members to retire to consider their decision.

DECISION

Having reconvened the meeting, the Chairman stated it was the Sub Committee's decision to **Approve** the recommendations set out in the report of the Director of Public Protection and Licensing.

Comments by the Chairman

Before closing the meeting, the Chairman stated that he wished to make a few concluding remarks, as follows.

1. For those traders whose applications had been approved, the Sub Committee encouraged them to continue to discussions and engagement with the Licensing Authority and the Market Development Team.
2. The Sub Committee also proposed that the unsuccessful applicant speak to the Licensing Authority to see what options may be available regarding finding a suitable pitch within Westminster. He noted that the Sub Committee's decision was not a reflection on the ability of the unsuccessful applicant to operate a market stall.
3. The Sub Committee wished all the applicants well and it was the Sub Committee's hope that Tachbrook Street Market would continue to thrive and prosper.

REASONS FOR THE DECISION

Having considered the report of the Director of Public Protection and Licensing and the representations of the Environmental Health Service, the Sub Committee was satisfied that the criteria adopted to assess the applications and the basis for the recommendations set out in the report were fair and reasonable.

In particular, the Sub Committee noted that the proposals had been the subject of previous consultation and approval by the Licensing Committee. Also, efforts had been made by the Council's Licensing officers to assist applicants in submitting their applications and requesting further information when this was required. It was also noted that officers were available to assist unsuccessful applicants in finding suitable pitches elsewhere in Westminster.

Therefore, it was, in all circumstances, appropriate and proportionate to approve the recommendations as set out in the report of the Director of Public Protection and Licensing.

The Meeting ended at 10.50 am

CHAIRMAN: _____

DATE _____