



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 4 April 2024**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Robert Eagleton
Md Shamsed Chowdhury
Louise Hyams



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 via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am. 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, Jessica Barnett, Committee and Councillor Co-ordinator.

Email: jbarnett@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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. PITCH 917 MELCOMBE STREET

(Pages 1 - 30)

| Ward | Site Name & Address | Application Type |
|--|------------------------------------|----------------------------|
| Regen t's Park | Isolated Pitch 917 Melcombe Street | Street Trading Application |
| Cumulative Impact Area N/A Special Consideration Zone N/A | | |

2. PITCH 1651 WHITEHALL

(Pages 31 - 58)

| Ward | Site Name & Address | Application Type |
|--|---------------------------------------|----------------------------|
| St James | Isolated Pitch - Pitch 1651 Whitehall | Street Trading Application |
| Cumulative Impact Area N/A Special Consideration Zone N/A | | |

3. FATAYER ALTAYER, 198 EDGWARE ROAD, LONDON, W2 2DS

(Pages 59 - 74)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|-----------------------------|------------------------------------|
| Marylebone *None **Edgware Road | Fatayer Altayer 198 Edgware Road W2 2DS | New Premises Licence | 24/00676/LIPN |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

**Stuart Love
Chief Executive
25 March 2024**



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

Date:

4 April 2024

Classification:

For General Release

Title of Report:

Street Trading - Isolated Pitch 917 Melcombe Street

Report of:

Director Public Protection & Licensing

Policy context:

To provide a safe, well-regulated environment.

Financial summary:

None

Report Author:

**Shannon Pring
Principal Licensing Officer – Street Licensing**

Contact Details:

**Telephone: 01145 513 794
E-mail: spring3@westminster.gov.uk**

PROPOSAL DETAILS

| | |
|------------------------------------|---|
| Proposal: | The designating resolution passed by the Council on 25 July 1990 be varied to vary the designation of street trading Pitch 917 Melcombe Street. |
| Current Pitch Designation: | Melcombe Street carriageway, South side in line with Baker Street building line. The pitch location and image of the kiosk can be found at Appendix A |
| Proposed Pitch Designation: | Melcombe Street carriageway, south side in marked layby just before 1 Melcombe Street” facing onto Melcombe Street footway”. |
| Ward Name: | Regent’s Park |

1. Purpose of the report

The Licensing Sub-Committee is asked to vary the designating resolution passed by the Council on 25 July 1990 to vary the designation of Pitch 917 Melcombe Street as recommended by officers.

2. Summary

Following the completion of the Baker Street Two Way works, the aim of which was to improve pedestrian facilities in the area; this included widening the footways, especially at junction crossing points.

The suitability of the existing pitch location has been assessed and it has been determined that the existing pitch designation obstructs the pedestrian crossing on Melcombe Street and as such it is considered as not safe to remain considering the number of pedestrians that use the junction.

Therefore, the intention is to move the designated pitch approximately 5 metres west so it sits entirely in the carriageway in line with the extended pavement.

If the variation of the designation is granted, the Licensing Service will make the relevant arrangements for the pitch marking to be amended to reflect the correct pitch size that will be sited fully in the layby and no longer partially on the pavement.

3. Background

Pitch 917 is located on the south side of Melcombe Street in line with the Baker Street building line.

The pitch has a licence attached to it and is licensed to sell flowers, souvenirs, artist’s materials, and mobile phone accessories.

4. Consultation

In seeking to vary the designation for Pitch 917 Melcombe Street the Licensing Service has undertaken the statutory consultation with the Street Trading licence holder, Highway Authority, Police, and the West End Street Traders Association.

In addition, notification of the intention to de-designate the pitch was sent to the Council's relevant Ward Members.

A copy of the notification of intent to de-designate is included as **Appendix B**.

5. Consultation Responses:

a) West End Traders Association (WESTA):

On 14 February 2024, the Licensing Service received a representation supporting the Council's intention to vary the designation on behalf of the Licence Holder. The full representation can be found at **Appendix C** of the report.

b) Licence Holder:

The Licence Holder's response was received from WESTA on 14 February 2024.

c) Ward Councillors:

At the time of publishing the report the Licensing Service has not received any comments from the Ward Councillors.

d) Highways Planning:

On 30 January 2024, the Licensing Service received a representation supporting the Council's intention to vary the designation. The Highway's Planning Officer made recommendation as to amending the wording of the proposed designation, this has been reflected in the report above.

No comments have been received from TfL in relation to this matter.

The full representation can be found at **Appendix D** of the report.

e) Metropolitan Police Service:

At the time of publishing the report the Licensing Service has not received any comments from the Metropolitan Police Licensing Team.

6. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Council has had regard to the above duty and confirms that the proposal to vary the designation of Pitch 917 Melcombe Street does not breach its public sector equality duty.

7. Street Trading Policy

- a) Policy ST5 within the City of Westminster Statement of Street Licensing Policy relates to the designation and de-designation of street trading pitches. However, the Licensing Service requests that the committee consider this application as an exception to this policy.

Designation and De-designation- Policy ST5

- (i) The Licensing authority will designate specific resolution for licensed street trading.*
- (ii) The Licensing authority may de-designate pitches that are no longer suitable for licensed street trading.*
- (iii) The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances.*

Policy ST5(8) states that where a public realm scheme is proposed consideration should be had to the best way to accommodate any existing street traders in that location. Where a scheme is approved and implemented which includes the relocation, reorientation or increase/decrease in pitch size, this will initiate the formal licensing process to make the necessary changes to the pitch in question in order to facilitate the approved scheme. Changes to existing pitches will be subject to consultation.

8. Legal Framework

Designating Resolution

- a) Section 5(1)(a) of the City of Westminster Act 1999 (the Act) provides:

The council may pass a resolution designating a street or part of a street in the city as a licence street (a designating resolution).

- b) Section 5(2) of the Act provides:

The council may from time to time rescind or vary any such resolution.

- c) Section 6(1) of the Act provides:

The council shall not pass a designating resolution or rescind or vary such a resolution unless they have first given notice in writing of their intention to do so—

(a) to the Commissioner;

(b) to the highway authority (except where the council is the highway authority);

- (c) to any body which appears to the council to represent the relevant street traders;
- (d) to all licence holders whom the council could reasonably expect would be affected by the proposed resolution; and
- (e) where the proposed resolution would designate private land, to the owner of that land or to the person assessed for the uniform business rate on it.

d) Section 6(5) of the Act provides:

The council shall give to any person who makes representations by the due date an opportunity to make oral representations to the council and may at their discretion give to other persons making representations a similar opportunity.

9. Appeals

a) Section 19(1) of the Act provides:

Any person aggrieved—

(a) by a resolution varying or rescinding a designating resolution;

(b) by a specifying resolution or a resolution varying such a resolution;

(c) by a standard condition; or

(d) by the amount of a fee or charge under section 22 (Fees and charges) of this Act, may appeal to the Magistrates' Court whose decision shall be final.

10. Recommendation

That the designating resolution passed by the Council on 25 July 1990 be varied to vary the designation of street trading Pitch 917 Melcombe Street.

List of Appendices

| | |
|-------------------|--|
| Appendix A | Pitch location and GIS Map |
| Appendix B | Consultation letter sent to relevant parties |
| Appendix C | Consultation response from WESTA on behalf of Licence Holder |
| Appendix D | Consultation response from Highways Planning |

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Shannon Pring** at spring3@westminster.gov.uk

Background Documents – Local Government (Access to Information) Act 1972

- City of Westminster Act 1999
- City of Westminster Statement of Street Licensing Policy adopted in December 2013
- Rules of Procedure for Licensing Sub-Committee
- Designating Resolution passed by the Council on 25 July 1990




Pitch 917 Melcombe Street



19/03/2024, 13:52:30

- Property Mailing List
- Ward Boundaries
- Ward Labels

1:413
0 0.01 0.01 mi
0 0.01 0.01 0.02 km

Mr Harry Hardwicke


Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP
Tel. No: 07971 920 413
Date: 25 January 2024

By email to 

Dear Mr Hardwicke,

INTENTION TO VARY DESIGNATION: PITCH 917 MELCOMBE STREET

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to vary the designating resolution for street trading Pitch 917 on Melcombe Street; specifically; *“Melcombe Street carriageway, South side in line with Baker Street building line”* to *“Melcombe Street carriageway, south side in marked layby just before 1 Melcombe Street” facing onto Melcombe Street highway*”.

Reason:

Following the completion of the Baker Street Two Way works, the aim of which was to improve pedestrian facilities in the area; this included widening the footways, especially at junction crossing points.

The suitability of the existing pitch location has been assessed and it has been determined that the existing pitch designation obstructs the pedestrian crossing on Melcombe Street and as such it is considered as not safe to remain considering the number of pedestrians that use the junction.

Therefore, the intention is to move the designated pitch approximately 5 metres west so it sits entirely in the carriageway in line with the extended pavement.

Appendix 1 in this letter shows a plan that includes the current designated pitch location marked in pink and the proposed new designated pitch location marked in green.

Appendix 2 in this letter shows the kiosk in the proposed location.

Anyone wishing to make representations about the Council's intention to vary the designation should do so by **22 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

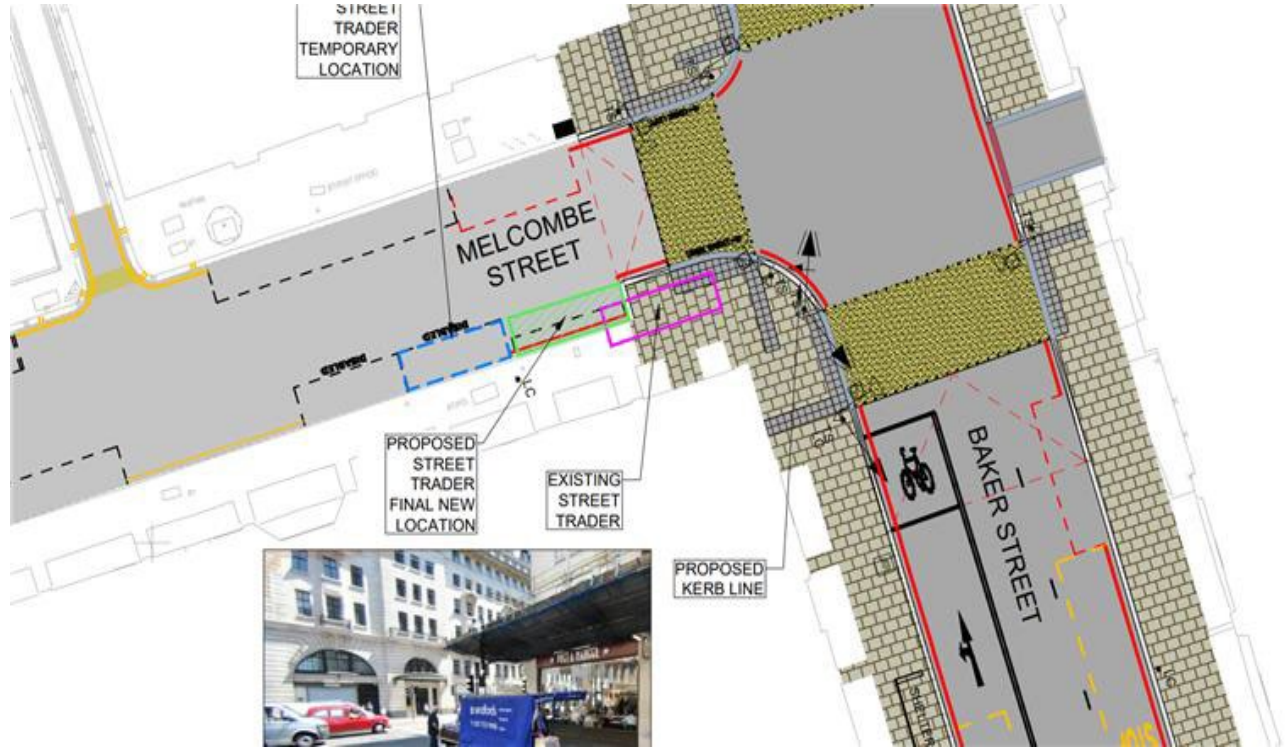


A handwritten signature in black ink, appearing to read 'Shannon Pring'.

Shannon Pring
Senior Practitioner Street Trading
Licensing Team



Appendix 1 Plan showing both current (pink) and proposed designations (green)





Appendix 2

Kiosk in proposed designation





Highways Planning Team
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP
Tel. No: 07971 920 413
Date: 25 January 2024

By email to sdwyer@westminster.gov.uk

Dear Highways Planning Team,

INTENTION TO VARY DESIGNATION: PITCH 917 MELCOMBE STREET

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to vary the designating resolution for street trading Pitch 917 on Melcombe Street; specifically; *“Melcombe Street carriageway, South side in line with Baker Street building line”* to *“Melcombe Street carriageway, south side in marked layby just before 1 Melcombe Street” facing onto Melcombe Street highway”*.

Reason:

Following the completion of the Baker Street Two Way works, the aim of which was to improve pedestrian facilities in the area; this included widening the footways, especially at junction crossing points.

The suitability of the existing pitch location has been assessed and it has been determined that the existing pitch designation obstructs the pedestrian crossing on Melcombe Street and as such it is considered as not safe to remain considering the number of pedestrians that use the junction.

Therefore, the intention is to move the designated pitch approximately 5 metres west so it sits entirely in the carriageway in line with the extended pavement.

Appendix 1 in this letter shows a plan that includes the current designated pitch location marked in pink and the proposed new designated pitch location marked in green.

Appendix 2 in this letter shows the kiosk in the proposed location.

Anyone wishing to make representations about the Council's intention to vary the designation should do so by **22 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

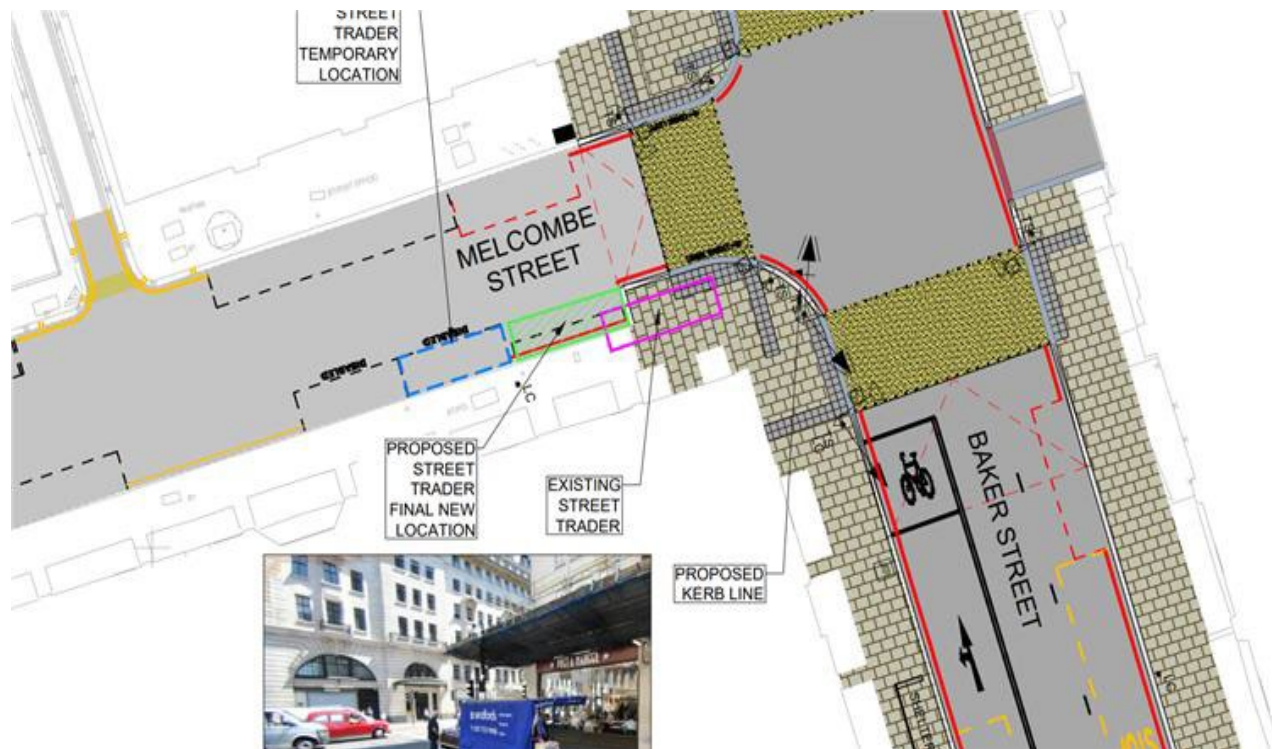


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Shannon Pring
Senior Practitioner Street Trading
Licensing Team



Appendix 1 Plan showing both current (pink) and proposed designations (green)





Appendix 2

Kiosk in proposed designation





Police Licensing Team
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP
Tel. No: 07971 920 413
Date: 25 January 2024

By email to policegenerallicensing@westminster.gov.uk

Dear Police Licensing Team,

INTENTION TO VARY DESIGNATION: PITCH 917 MELCOMBE STREET

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to vary the designating resolution for street trading Pitch 917 on Melcombe Street; specifically; *“Melcombe Street carriageway, South side in line with Baker Street building line”* to *“Melcombe Street carriageway, south side in marked layby just before 1 Melcombe Street” facing onto Melcombe Street highway”*.

Reason:

Following the completion of the Baker Street Two Way works, the aim of which was to improve pedestrian facilities in the area; this included widening the footways, especially at junction crossing points.

The suitability of the existing pitch location has been assessed and it has been determined that the existing pitch designation obstructs the pedestrian crossing on Melcombe Street and as such it is considered as not safe to remain considering the number of pedestrians that use the junction.

Therefore, the intention is to move the designated pitch approximately 5 metres west so it sits entirely in the carriageway in line with the extended pavement.

Appendix 1 in this letter shows a plan that includes the current designated pitch location marked in pink and the proposed new designated pitch location marked in green.

Appendix 2 in this letter shows the kiosk in the proposed location.

Anyone wishing to make representations about the Council's intention to vary the designation should do so by **22 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

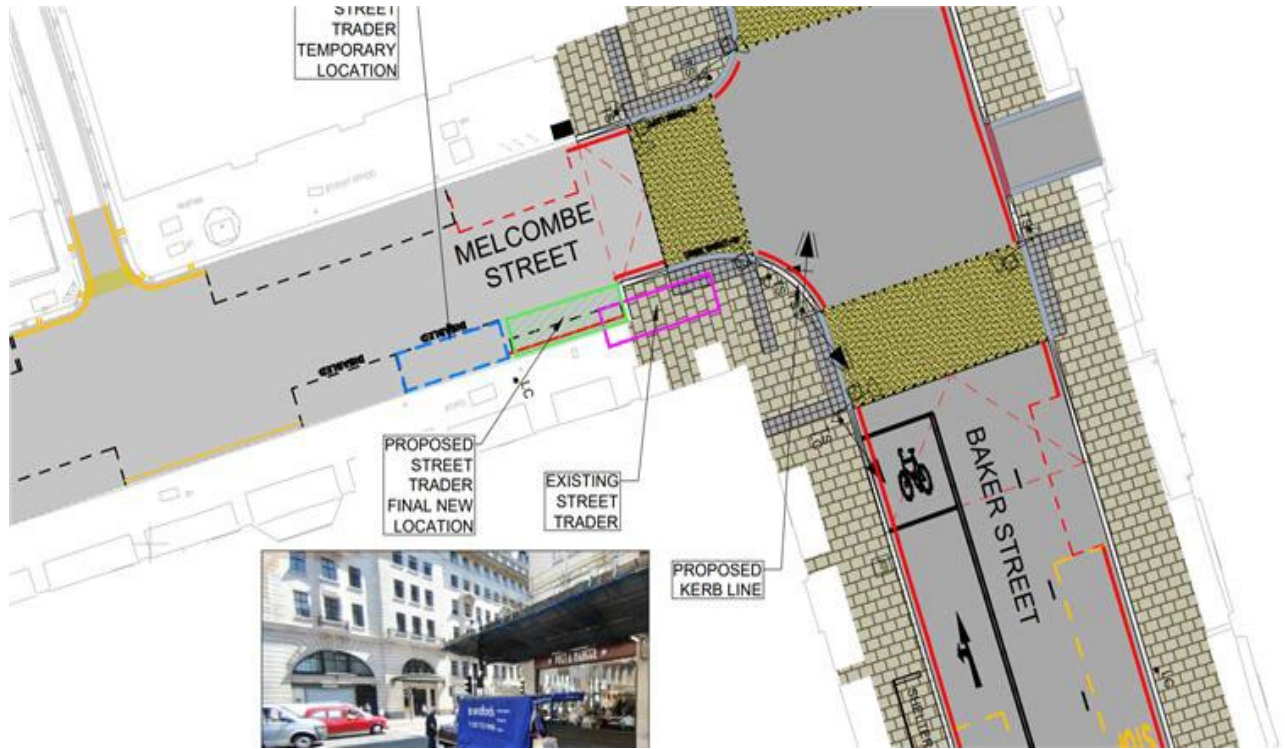


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Shannon Pring
Senior Practitioner Street Trading
Licensing Team



Appendix 1 Plan showing both current (pink) and proposed designations (green)





Appendix 2

Kiosk in proposed designation





Regent's Park Ward Councillors
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP
Tel. No: 07971 920 413
Date: 25 January 2024

By email to rotehosoka@westminster.gov.uk, rrigby@westminster.gov.uk,
pswaddle@westminster.gov.uk

Dear Councillors,

INTENTION TO VARY DESIGNATION: PITCH 917 MELCOMBE STREET

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to vary the designating resolution for street trading Pitch 917 on Melcombe Street; specifically; *“Melcombe Street carriageway, South side in line with Baker Street building line”* to *“Melcombe Street carriageway, south side in marked layby just before 1 Melcombe Street” facing onto Melcombe Street highway*”.

Reason:

Following the completion of the Baker Street Two Way works, the aim of which was to improve pedestrian facilities in the area; this included widening the footways, especially at junction crossing points.

The suitability of the existing pitch location has been assessed and it has been determined that the existing pitch designation obstructs the pedestrian crossing on Melcombe Street and as such it is considered as not safe to remain considering the number of pedestrians that use the junction.

Therefore, the intention is to move the designated pitch approximately 5 metres west so it sits entirely in the carriageway in line with the extended pavement.

Appendix 1 in this letter shows a plan that includes the current designated pitch location marked in pink and the proposed new designated pitch location marked in green.

Appendix 2 in this letter shows the kiosk in the proposed location.

Anyone wishing to make representations about the Council's intention to vary the designation should do so by **22 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

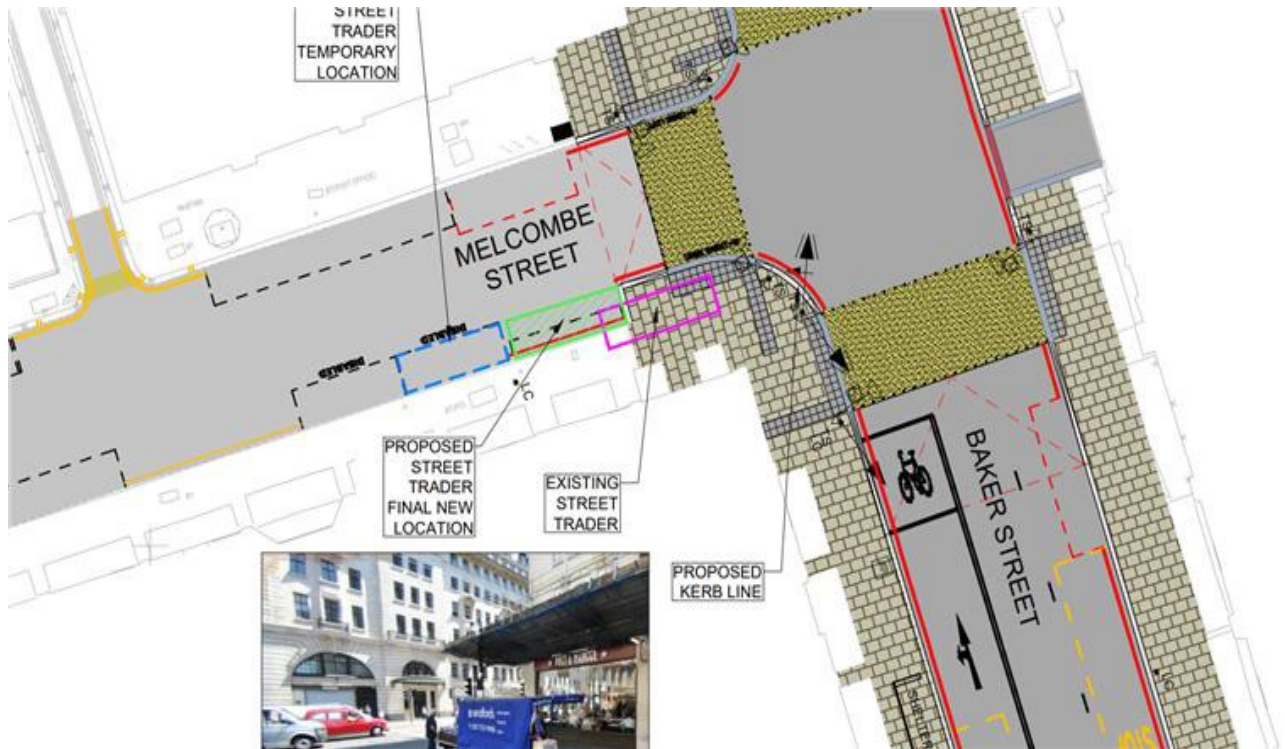


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Shannon Pring
Senior Practitioner Street Trading
Licensing Team



Appendix 1 Plan showing both current (pink) and proposed designations (green)





Appendix 2

Kiosk in proposed designation





Mr Wally Watson
West End Street Trading Association
N.M.T.F.
The Old Butcher's Shop
The Green
Sarrat
Rickmansworth
WD3 6AT

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP
Tel. No: 07971 920 413
Date: 25 January 2024

By email to wallywatson@kws-imports.co.uk

Dear Mr Watson,

INTENTION TO VARY DESIGNATION: PITCH 917 MELCOMBE STREET

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to vary the designating resolution for street trading Pitch 917 on Melcombe Street; specifically; *“Melcombe Street carriageway, South side in line with Baker Street building line”* to *“Melcombe Street carriageway, south side in marked layby just before 1 Melcombe Street” facing onto Melcombe Street highway*”.

Reason:

Following the completion of the Baker Street Two Way works, the aim of which was to improve pedestrian facilities in the area; this included widening the footways, especially at junction crossing points.

The suitability of the existing pitch location has been assessed and it has been determined that the existing pitch designation obstructs the pedestrian crossing on Melcombe Street and as such it is considered as not safe to remain considering the number of pedestrians that use the junction.

Therefore, the intention is to move the designated pitch approximately 5 metres west so it sits entirely in the carriageway in line with the extended pavement.

Appendix 1 in this letter shows a plan that includes the current designated pitch location marked in pink and the proposed new designated pitch location marked in green.

Appendix 2 in this letter shows the kiosk in the proposed location.

Anyone wishing to make representations about the Council's intention to vary the designation should do so by **22 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

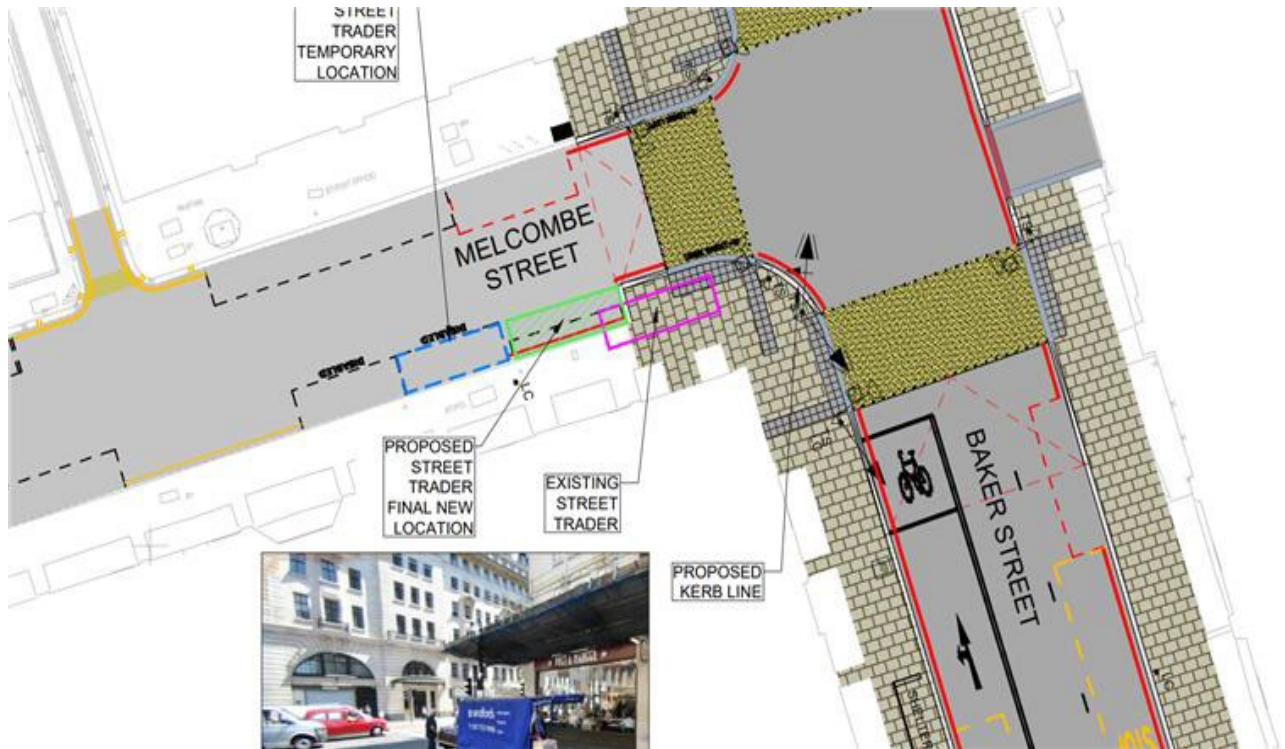


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Shannon Pring
Senior Practitioner Street Trading
Licensing Team



Appendix 1 Plan showing both current (pink) and proposed designations (green)





Appendix 2

Kiosk in proposed designation



WEST END STREET TRADERS ASSOCIATION
N.M.T.F.

THE OLD BUTCHERS SHOP
THE GREEN ,SARRATT, RICKMANSWORTH HERTS WD3 6AT
Mobile No: 07973210161– Office: 020 8591 1004

Committee: Chairman: Wally Watson, Secretary: Carly Wise
Committee Members: Mark Impelton,
Stephen Burney, Peter Compobassi
Treasurer: Steve Burney
Consultant: Nichola Kerr

BY EMAIL: spring3@westminster.gov.uk

14 February 2024

Shannon Pring
Principal Licensing Officer Street Trading
Environment, Climate and Public Protection
Westminster City Council
15th Floor, City Hall
64 Victoria Street, SW1 6QP

Dear Shannon

INTENTION TO VARY DESIGNATION: PITCH 917 MELCOMBE STREET

I refer to your letter dated 25 January 2024 informing WESTA of the proposal to vary the designating resolution for street trading Pitch 917 on Melcombe Street.

Harry Hardwicke, the holder of the street trading licence for Pitch 917 has asked WESTA to act on his behalf and to write to you regarding the proposal to vary the designating resolution.

Regarding the new location of the pitch, Harry has no objection to the pitch being located entirely in the carriageway in the line with the extended pavement as marked in green on the plan attached as Annex 1 to your letter of 25 January.

In relation to the “marked layby” mentioned in the proposed description of the new location of the pitch (detailed in paragraph 1 and shown in Annex 2 attached to your letter of 25 January), this is showing markings that relate to the current designation that locates the pitch both in the carriageway and on the highway. These markings will need to be removed and replaced with correct markings outlining the pitch as shown on the plan on Annex 1.

If you have any queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wally Watson', with a long horizontal flourish extending to the right.

Wally Watson
Chairman – West End Street Trading Association

wallywatson@kws-imports.co.uk

Office 0208-591 1004

Cell 07973210161

Pring, Shannon: WCC

From: Dwyer, Sean: WCC
Sent: 30 January 2024 09:06
To: Pring, Shannon: WCC
Cc: Bradshaw Alison; Seiler Clare
Subject: RE: Notification of intent to vary designation - Pitch 917 Melcombe Street
Attachments: Notification of intent to vary designation - Pitch 917 - Highways Planning.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Shannon

I am satisfied with where the pitch is shown on the plan.

If it were a new pitch I might question whether customers waiting to be served on the footway might cause an obstruction to other pedestrians that were trying to pass, but it's not new and the revised position is better than the previous position in my view.

While both the footway and carriageway are highway, I would prefer it if the definition of where it is going to go were to say "facing onto Melcombe Street footway" as opposed to what the letter says, which is "facing onto Melcombe Street highway". Despite what I say above about the potential for customers to obstruct the footway, I think it's obvious that we would prefer them to be standing on the footway and not on the carriageway. Changing the one word in the definition would reinforce that.

We are the Highway Authority for Melcombe Street but it is a "side road" and TfL is the Traffic Authority for the bits with red lines.

Not sure if TfL need to be consulted but I'm copying to Alison and Clare anyway.

Sean

From: Pring, Shannon: WCC <spring3@westminster.gov.uk>
Sent: Thursday, January 25, 2024 12:46 PM
To: Dwyer, Sean: WCC <sdwyer@westminster.gov.uk>
Subject: Notification of intent to vary designation - Pitch 917 Melcombe Street

Dear Highways Planning,

Please see attached the notification of intention to vary the designation for Pitch 917 Melcombe Street.

Kind regards,

Shannon

Shannon Pring
Principal Licensing Officer Street Licensing
Environment, Climate and Public Protection

Westminster City Council
15th Floor



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

Date:

04 April 2024

Classification:

For General Release

Title of Report:

Street Trading - Isolated Pitch - Pitch 1651 Whitehall

Report of:

Director Public Protection & Licensing

Policy context:

To provide a safe, well-regulated environment.

Financial summary:

None

Report Author:

**Miss Farhana Ali
Senior Licensing Officer Street Trading**

Contact Details:

**Telephone: 0797 102 6501
E-mail: fali1@westminster.gov.uk**

PROPOSAL DETAILS

| | |
|---------------------------|---|
| Proposal: | The designating resolution passed by the Council on 25 July 1990 be varied to rescind the designating resolution for designated Pitch 1651 Whitehall |
| Pitch Designation: | The original designation for Pitch 1651 is located at “Whitehall, footway, 6’ North of lamp standard No. 15201. The pitch location can be found at Appendix A |
| Ward Name: | St James |

1. Purpose of the report

The Licensing Sub-Committee is asked to vary the designating resolution passed by the Council on 25 July 1990 to rescind the designating resolution for designated Pitch 1651 at Whitehall as recommended by officers.

2. Background

The original designation for Pitch 1651 is “Whitehall, footway, 6’ North of lamp standard No. 15201

Pitch 1651 has not been licensed since at least 2019 and has not been used since the installation of hostile vehicle mitigation bollards on Whitehall.

We have been made aware that the licensee for this pitch has passed away and we have not received an application for succession from a next of Kin. The licensing service undertook a suitability assessment of the pitch and following comments determined that the pitch was no longer suitable for street trading.

3. Consultation

In seeking to de-designate Pitch 1651 at Whitehall the Licensing Service has undertaken the statutory consultation with the Highway Authority, Police, Counter Terrorism and the West End Street Traders Association.

In addition, notification of the intention to de-designate the pitch was sent to the Council's relevant Ward Members.

A copy of the notification of intent to de-designate is included as **Appendix B**.

4. Consultation Responses:

a) Ward Councillors:

At the time of publishing the report the Licensing Service has not received any comments from the Ward Councillors.

b) West End Traders Association (WESTA):

On 07 February 2024, the Licensing Service received an email that WESTA has no observations to make in respect of the proposal to rescind the designation for Pitch 1651. The email can be found at **Appendix C** of the report.

c) Highways Planning:

At the time of publishing the report the Licensing Service has not received any comments from the Highways Authority.

d) Community Safety & Specialist Service:

On 30 January 2024, the Licensing Service received an email from Mark Chalmers who is in support of the de-designation of Pitch 1651 Whitehall. The email can be found at **Appendix D**.

e) Metropolitan Police Service:

On 21 March 2024, the Licensing Service received an email from Ben P Turner who advised the removal of the pitch is likely to reduce potential risk to the buildings situated behind the location. The email can be found at **Appendix E**.

5. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Council has had regard to the above duty and confirms that the proposal to vary the designation of Pitch 1651 Whitehall does not breach its public sector equality duty.

6. Street Trading Policy

- a) Policy ST5 within the City of Westminster Statement of Street Licensing Policy relates to the designation and de-designation of street trading pitches. However, the Licensing Service requests that the committee consider this application as an exception to this policy.

Designation and De-designation- Policy ST5

(i) The Licensing authority will designate specific resolution for licensed street trading.

(ii) The Licensing authority may de-designate pitches that are no longer suitable for licensed street trading.

(iii) The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances.

Policy ST5(2) states that the Licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered not suitable include:

- (a) It has not been used for trading for a period of greater than six months;*
- (b) There has been altered circumstances due to the increased pedestrian footfall resulting from altered highways layouts, public realms improvements or construction projects;*
- (c) Where there is new development and the siting and operation of the trading pitch would adversely affect local pedestrian flow or cause congestion, including close to the transport stops or stations.*

7. Legal Framework

Designating Resolution

- a) Section 5(1)(a) of the City of Westminster Act 1999 (the Act) provides:
The council may pass a resolution designating a street or part of a street in the city as a licence street (a designating resolution).
- b) Section 5(2) of the Act provides:
The council may from time to time rescind or vary any such resolution.
- c) Section 6(1) of the Act provides:
The council shall not pass a designating resolution or rescind or vary such a resolution unless they have first given notice in writing of their intention to do so—

- (a) to the Commissioner;
 - (b) to the highway authority (except where the council is the highway authority);
 - (c) to any body which appears to the council to represent the relevant street traders;
 - (d) to all licence holders whom the council could reasonably expect would be affected by the proposed resolution; and
 - (e) where the proposed resolution would designate private land, to the owner of that land or to the person assessed for the uniform business rate on it.
- d)** Section 6(5) of the Act provides:
- The council shall give to any person who makes representations by the due date an opportunity to make oral representations to the council and may at their discretion give to other persons making representations a similar opportunity.

8. Appeals

- a)** Section 19(1) of the Act provides:
- Any person aggrieved—
- (a) by a resolution varying or rescinding a designating resolution;
 - (b) by a specifying resolution or a resolution varying such a resolution;
 - (c) by a standard condition; or
 - (d) by the amount of a fee or charge under section 22 (Fees and charges) of this Act,
- may appeal to the Magistrates' Court whose decision shall be final.

9. Recommendation

That the designating resolution passed by the Council on 25 July 1990 be varied to rescind the designating resolution for designated Pitch 1651 Whitehall.

List of Appendices

| | |
|-------------------|--|
| Appendix A | Pitch location |
| Appendix B | Consultation letter sent to relevant parties |
| Appendix C | Consultation response from West End Street Trading Association (WESTA) |
| Appendix D | Consultation response from Mark Chalmers (Counter Terrorism) |
| Appendix E | Consultation response from Ben P Turner (Metropolitan Police) |

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Miss Farhana Ali** at fali1@westminster.gov.uk

Background Documents – Local Government (Access to Information) Act 1972

- City of Westminster Act 1999
- City of Westminster Statement of Street Licensing Policy adopted in December 2013
- Rules of Procedure for Licensing Sub-Committee
- Designating Resolution passed by the Council on 25 July 1990





Ben P Turner
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Ben P Turner,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

Pitch 1651 is located at Whitehall, on footway 6' north of lamp standard No. 15201. The following image is a photograph of where the pitch is approximately designated:





Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies that *“The licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where, in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered no longer suitable include:*

(a) It has not been used for trading for a period of greater than six months;”

Pitch 1651 has not been licensed since at least 2019 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council’s application should do so by **26 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Farhana Ali'.

Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP020 7641 6000
westminster.gov.uk

City of Westminster

Councillor Louise Hyams
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QPPublic Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QPTel. No: 0114 551 3797
Date: 29 January 2024

Dear Councillor Louise Hyams,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

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(a) It has not been used for trading for a period of greater than six months;”

Pitch 1651 has not been licensed since at least 2019 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council’s application should do so by **26 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing



Councillor Mark Shearer
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Councillor Mark Shearer,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

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Pitch 1651 has not been licensed since at least 2019 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council’s application should do so by **26 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing



Councillor Tim Mitchell
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Councillor Tim Mitchell,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

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Anyone wishing to make representations about the Council’s application should do so by **26 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP020 7641 6000
westminster.gov.uk

City of Westminster

Ian Bright
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QPPublic Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QPTel. No: 0114 551 3797
Date: 29 January 2024

Dear Ian Bright,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

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Yours sincerely,

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing



Mark Chalmers
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Mark Chalmers,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

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Pitch 1651 has not been licensed since at least 2019 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council’s application should do so by **26 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP020 7641 6000
westminster.gov.uk

City of Westminster

Police Licensing
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Police Licensing,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

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Pitch 1651 has not been licensed since at least 2019 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council’s application should do so by **26 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing



Sean Dwyer – Highways Planning
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Public Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QP

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Sean Dwyer,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

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Anyone wishing to make representations about the Council’s application should do so by **26 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Farhana Ali'.

Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP020 7641 6000
westminster.gov.uk

City of Westminster

Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QPPublic Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QPTel. No: 0114 551 3797
Date: 01 February 2024

Dear WESTA,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

Pitch 1651 is located at Whitehall, on footway 6' north of lamp standard No. 15201. The following image is a photograph of where the pitch is approximately designated:



Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies that *“The licensing*



authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where, in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered no longer suitable include:

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Pitch 1651 has not been licensed since at least 2019 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council's application should do so by **29 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Farhana Ali'.

Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

Fwd: Notification of intention to rescind designation for Pitch 1651 - Whitehall

Nichola Kerr <nichola_kerr@me.com>

Wed 2024-02-07 17:22

To: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Cc: Wally Watson <wallywatson@kws-imports.co.uk>

📎 1 attachments (247 KB)

WESTA - Notification of intent to rescind designation - Pitch 1651 - Whitehall.pdf;

Afternoon Farina

Thank you for your email dated 1 February 2024, and attached letter notifying WESTA of the Council's proposal to rescind the designation for Pitch 1651 located at Whitehall.

WESTA has no observations to make in respect of the proposal to rescind the designation for Pitch 1651.

I shall be grateful if you would let WESTA know the date the Licensing Sub-Committee will meet to hear this matter.

Kind regards

Nichola

Begin forwarded message:

From: "Ali, Farhana: WCC" <fali1@westminster.gov.uk>
Subject: Notification of intention to rescind designation for Pitch 1651 - Whitehall
Date: 1 February 2024 at 11:56:29 GMT
To: Nichola Kerr <nichola_kerr@me.com>, Wally Watson <wallywatson@kws-imports.co.uk>

Dear WESTA,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

Please see attached the notification of intention to rescind designation for Pitch 1651 - Whitehall

Yours faithfully,

Miss Farhana Ali
Senior Licensing Officer | Public Protection and Licensing

RE: Notification of intention to rescind designation for Pitch 1651 - Whitehall

Chalmers, Mark: WCC <mchalmers@westminster.gov.uk>

Tue 2024-01-30 16:21

To: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Dear Farhana,

Many thanks for your letter.

My feedback in relation to the intention to rescind designation in relation to Pitch 1651, Whitehall, is below.

Pitch is located in Whitehall. It is an environment that contains a number of targets that could be considered attractive targets for an individual with hostile intent. It is in close proximity to a number of internationally significant and high profile locations including, Government, Military and crowded places/spaces. Hostile vehicle mitigation was installed in 2009 which limits vehicular access to the area.

The building behind the proposed pitch appears to military; while there is no specific intelligence to suggest this will be the target of terrorist attack, such buildings may be seen as more attractive terrorist targets and without appropriate measures in place, the introduction of such a structure may increase risk to potential placed/secreted IED. It may also be used to assist climbing over the wall behind the structure.

If the pitch is considered viable, recommendation from the MPS Counter-terrorism Security Advisor is that any structures are temporary and that they are removed at the end of each day. It is also worth noting that the pitch is very likely to be suspended on event days.

Many thanks,

Mark

From: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Sent: Monday, January 29, 2024 7:33 PM

To: Chalmers, Mark: WCC <mchalmers@westminster.gov.uk>

Subject: Notification of intention to rescind designation for Pitch 1651 - Whitehall

Dear Mark Chalmers,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

Please see attached the notification of intention to rescind designation for Pitch 1651 - Whitehall

Yours faithfully,



Miss Farhana Ali

Senior Licensing Officer | Public Protection and Licensing

Westminster City Council | City Hall, 15th floor, 64 Victoria Street, London SW1E 6QP

T: 0207 641 6500 (Contact Centre) | **T: 0797 102 6501** | **Payment Line: 0114 551 3742**

RE: Notice of Hearing: Intention to Rescind Designation: Pitch 1651 - Whitehall

Ben.P.Turner@met.police.uk <Ben.P.Turner@met.police.uk>

Thu 2024-03-21 10:15

To: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Cc: Ian.Bright <Ian.Bright@met.police.uk>

Caution: This email originated from outside of the organisation. Do not click links, open attachments or reply, unless you recognise the sender's email address and know the content is safe.

Hi Farhana,

Good to speak with you earlier. Following on from our conversation I do not have much in the way of formal comment except to state that the removal of this pitch likely reduces the risk of to any potential placed IED's, other weapons or potential climbing aid to the buildings situated behind this location.

As the hearing is expected to simply be a formality and there is no real requirement for a CTSA, I will not be attending. If this changes, please let me know and I can make arrangements for a colleague to attend on my behalf (I am not available that day).

Kind regards,

Ben Turner

Counter Terrorism Security Advisor | Protective Security Operations

Metphone 762703 | Mobile 07767 480557

Address 1st Floor, Block B, Lambeth HQ, 109 Lambeth Road, London SE1 7LP | e-mail Ben.P.Turner@met.police.uk



From: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Sent: 20 March 2024 17:27

Cc: street, tradinglicensing: WCC <streetlicensing@westminster.gov.uk>

Subject: Notice of Hearing: Intention to Rescind Designation: Pitch 1651 - Whitehall

Importance: High

Dear All,

REGULATION OF STREET TRADING INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I am writing further to my email dated from 29 January 2024 in respect of the proposal to de-designate the designating resolution for street trading Pitch 1651 Whitehall in accordance with Section 6 of the City of Westminster Act 1999.

The matter must now be considered by the Council's Licensing Sub-Committee on **4th April 2024. The meeting will begin at 10am and will be held in room 18:01, 18th Floor, City Hall, Victoria Street, London SW1E 6QP.** If you have any special requirements for access to this building e.g. wheelchair access, please contact the case officer on the telephone number or email address listed below.

I attach a copy of the Rules of Procedure for such meetings.

Licensing Sub-Committee Report

| | |
|--------------------|---|
| Item No: | |
| Date: | 4 April 2024 |
| Licensing Ref No: | 24/00676/LIPN - New Premises Licence |
| Title of Report: | Fatayer Altayer 198 Edgware Road London W2 2DS |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Marylebone |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Miss Karyn Abbott |
| Contact details | Telephone: 020 7641 6500 Email: kabbott@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|------------------------------------|--------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 1 February 2024 | | |
| Applicant: | Dibsi Ltd | | |
| Premises: | Fatayer Altayer | | |
| Premises address: | 198 Edgware Road London W2 2DS | Ward: | Marylebone |
| | | Cumulative Impact Area: | None |
| | | Special Consideration Zone: | Edgware Road |
| Premises description: | <p>According to the application form the premises intends to operate as a Cafe/restaurant with fresh bakery specialising in Syrian baked pastries and bread and shawarma.</p> <p>The operating schedule suggests there will be roughly 8 tables and seating for approximately 28 people where food will be served until 4am daily and no alcohol will be on site.</p> | | |
| Premises licence history: | This is a new application and therefore there is no premises licence history. | | |
| Applicant submissions: | None | | |
| Applicant amendments: | <p>Following mediation the applicant has reduced the terminal hour for late night refreshment and the premises closing time from 04:00 to 01:00.</p> <p>The hours as now applied for are set out at section 1-B below.</p> | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|-------------|------------|----------------------------------|------------|------------|----------------|
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | | None | | | | |

| Hours premises are open to the public | | | | | | | |
|---|------------|-------------|------------|-------------|------------|------------|------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | | None | | | | |
| Adult Entertainment: | | | None | | | | |

2. Representations

| 2-A Responsible Authorities | |
|---|------------------------------|
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Tom Stewart |
| Received: | 21 February 2024 |
| <p>Dear Westminster Licensing Service,</p> <p>I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for <u>198 Edgware Road, London, W2 2DS.</u></p> <p>I have considered the information that has been provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Council's Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking:</p> <p>Late Night Refreshment - Monday to Sunday 23:00-04:00</p> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p> <p>The hours requested to provided late night refreshment may have the likely effect of undermining the licensing objective; The Prevention of Crime and Disorder.</p> <p>The hours request fall far outside the core hours for fast food/takeaway premises or Restuarant. The premises is also located within the Edgware Road Special Consideration Zone ("ERSCZ"). The applicant has made no reference to this within their application and have failed to demonstrate how they will operate within the ERSCZ and promote the licensing objectives.</p> | |
| Responsible Authority: | Environmental Health Service |
| Representative: | Sally Fabbriatore |
| Received: | 28 February 2024 |
| <p>I refer to the new Premises Licence for the above premises. The premises is situated in the Edgware Road Special Consideration Zone.</p> <p>This representation is based on the Operating Schedule, and layout plans, however little detail has been given on these so a full assessment cannot be made.</p> <p>The applicant is seeking to provide Late Night Refreshment 'indoors' from 23:00 hours to 04:00 hours Monday to Sunday.</p> <p>I wish to make the following representation in relation to the above application, the proposed of hours and activity of Late Night Refreshment may cause an increase in Public Nuisance in the area and may impact on Public Safety.</p> <p>Confirmation is required if WC provisions are available for customers on the premises. Conditions may be proposed by Environmental Health in order to protect the Licensing Objectives.</p> | |

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

Should you wish to discuss the matter further please do not hesitate to contact me.

| 2-B Other Persons | | | |
|--|-------------|---------------------------------|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] | |
| Status: | Valid | In support or objection: | OBJECTION |
| Received: | 22 Feb 2024 | | |
| <p>Re: Fatayer Altayer, 198 Edgware Road, London, W2 2DS ref 24/00676/LIPN</p> <p>On behalf of the Marylebone Councillors I am writing to object to the above named application as a "Fresh bakery with Syrian Pastries and bread, Shwarma, including 8 tables and approximately 28 people serving late night refreshment from 23:00 to 04:00, as this will not promote the licensing objectives, namely, Prevention of Public Nuisance, Prevention of Crime & Disorder, Prevention of Children from Harm and Public Safety.</p> <p>The Marble Arch BID together with the Council and Councillors are working tirelessly to promote the licensing objectives on Edgware Road which is a Special Consideration Zone. It is fact that Edgware Road is residential on the streets on both sides of Edgware Road and there has been considerable anti social behaviour.</p> <p>It is interesting to note that the applicant has offered an SIA but this means they acknowledge there are potential issues in this area otherwise an SIA would not be necessary. This does not prevent anti social behaviour once the patrons have left the premises</p> <p>We strongly object to the hours sought even though no alcohol is applied for as this could become a destination venue. 1am would seem reasonable in this location. It is also not clear whether deliveries will be made from the premises and how the premises would operate would be helpful to know. If their business model is only viable if they can operate with the hours sought then this is not a consideration for the Licensing Authority.</p> <p>Thank you for your consideration and please acknowledge receipt.</p> | | | |

3. Policy & Guidance

| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
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| Policy SCZ1 applies | <p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> • West End Buffer. • Queensway/Bayswater. • Edgware Road. • East Covent Garden. • Mayfair. • Victoria. |
| Policy HRS1 applies | <p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active |

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| | <p>measures proposed for a ‘winding down’ period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>For the purpose of Clauses A and B above, the Core Hours for applications for this premise as defined within this policy are:</p> <p>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, ‘premises uses’ are defined within the relevant premises use policies within this statement. Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p> |
| <p>Policy RNT1(A) applies</p> | <p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council’s Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council’s Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. |

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| | <p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</p> <p>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</p> |
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

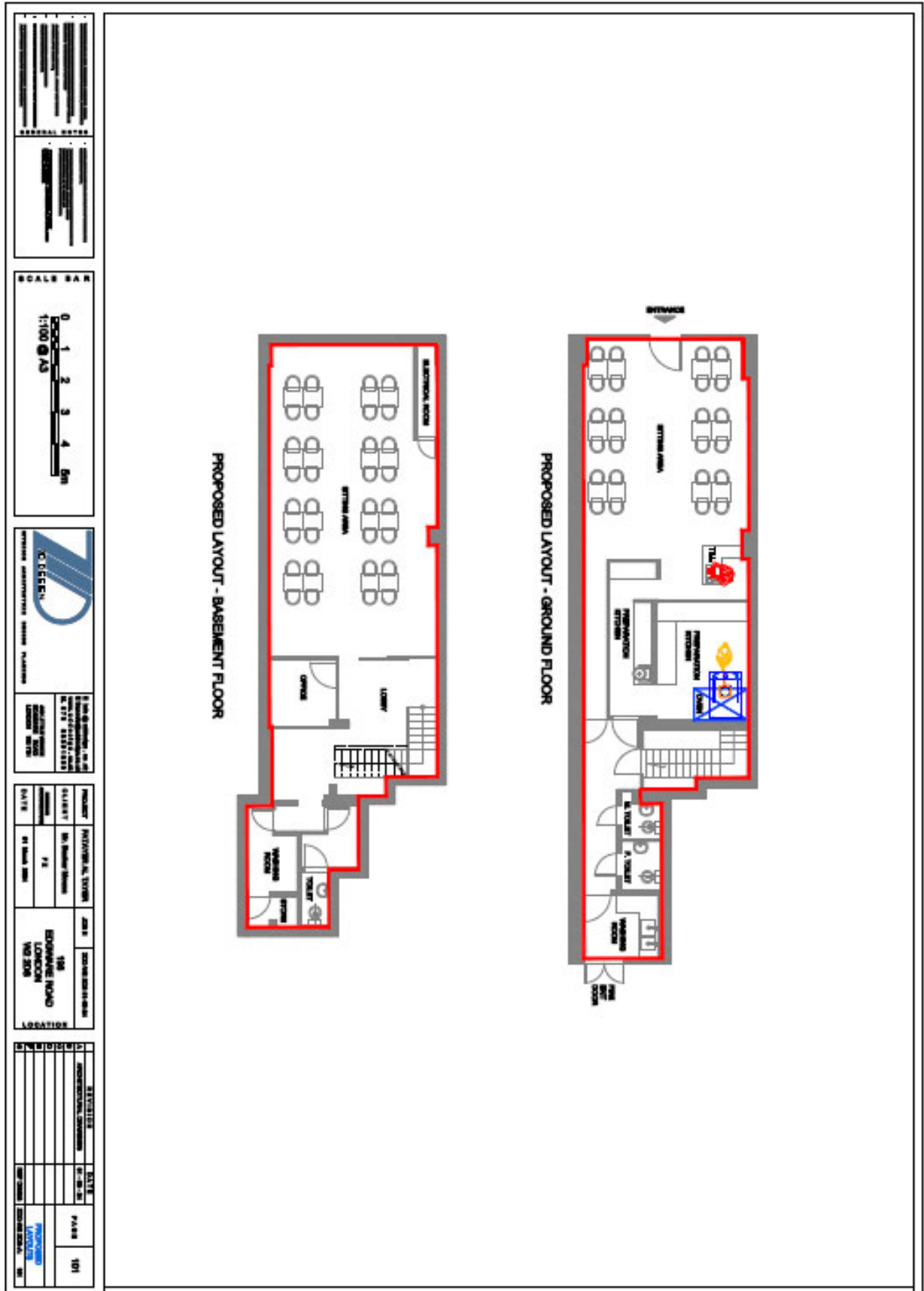
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| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

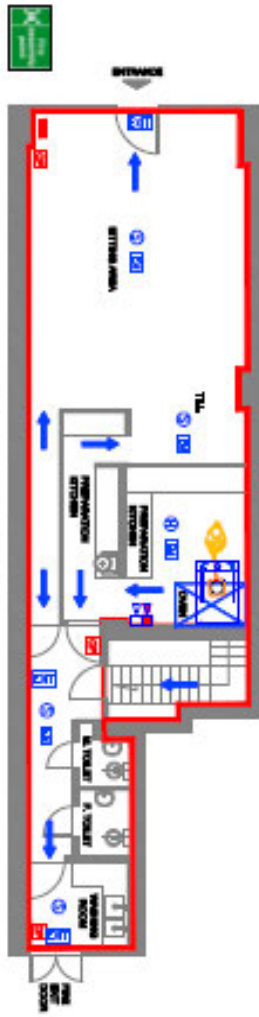
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| Report author: | Miss Karyn Abbott |
| Contact: | Telephone: 020 7641 6500 Email: kabbott@westminster.gov.uk |

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

| | | |
|----------|---|------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 01 October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | December 2023 |
| 4 | Cumulative Impact Assessment | 04 December 2023 |
| 5 | Metropolitan Police Service | 21 February 2024 |
| 6 | Environmental Health Service | 28 February 2024 |
| 7 | Interested Party Representation | 22 February 2024 |





| FIRE ALARM - LEGEND | |
|---------------------|---|
| | FIRE CONTROL - IN SERVICE / 120V |
| | REARMS FIRE CONTROL - IN SERVICE / 120V |
| | CALL POINT |
| | OPTICAL SMOKE DETECTOR WITH ACQUIRING |
| | HEAT DETECTOR WITH ACQUIRING |
| | SMOKE DETECTOR WITH ACQUIRING |
| | SMOKE DETECTOR WITH ACQUIRING |
| | SMOKE DETECTOR WITH ACQUIRING |
| | POW - FIRE CONTROL, ALARM PANEL, 2 STORES |
| | POW - FIRE CONTROL, ALARM PANEL, 2 STORES |

| REVISIONS | | |
|-----------|----------|-------------------|
| NO. | DATE | DESCRIPTION |
| 1 | 10/11/18 | ISSUED FOR TENDER |
| 2 | 10/11/18 | ISSUED FOR TENDER |
| 3 | 10/11/18 | ISSUED FOR TENDER |
| 4 | 10/11/18 | ISSUED FOR TENDER |
| 5 | 10/11/18 | ISSUED FOR TENDER |
| 6 | 10/11/18 | ISSUED FOR TENDER |
| 7 | 10/11/18 | ISSUED FOR TENDER |
| 8 | 10/11/18 | ISSUED FOR TENDER |
| 9 | 10/11/18 | ISSUED FOR TENDER |
| 10 | 10/11/18 | ISSUED FOR TENDER |

| PROJECT INFORMATION | |
|---------------------|----------------------------|
| PROJECT NO. | 180 |
| PROJECT NAME | EDWARDS ROAD LONDON W8 2DH |
| CLIENT | M. BAKER GROUP |
| DATE | 10/11/18 |

C. GREEN

100% RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT

100% RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT

SCALE BAR

0 1 2 3 4 5m

1:100 AS

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|----------|-------------------|
| 1 | 10/11/18 | ISSUED FOR TENDER |
| 2 | 10/11/18 | ISSUED FOR TENDER |
| 3 | 10/11/18 | ISSUED FOR TENDER |
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| 5 | 10/11/18 | ISSUED FOR TENDER |
| 6 | 10/11/18 | ISSUED FOR TENDER |
| 7 | 10/11/18 | ISSUED FOR TENDER |
| 8 | 10/11/18 | ISSUED FOR TENDER |
| 9 | 10/11/18 | ISSUED FOR TENDER |
| 10 | 10/11/18 | ISSUED FOR TENDER |

Applicant Supporting Documents

Appendix 2

None

There is no licence or appeal history for the premises.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

None

Conditions consistent with the operating schedule

1. License SIA security badge holder staff member on site.
2. No alcohol served or consumed on the premises.

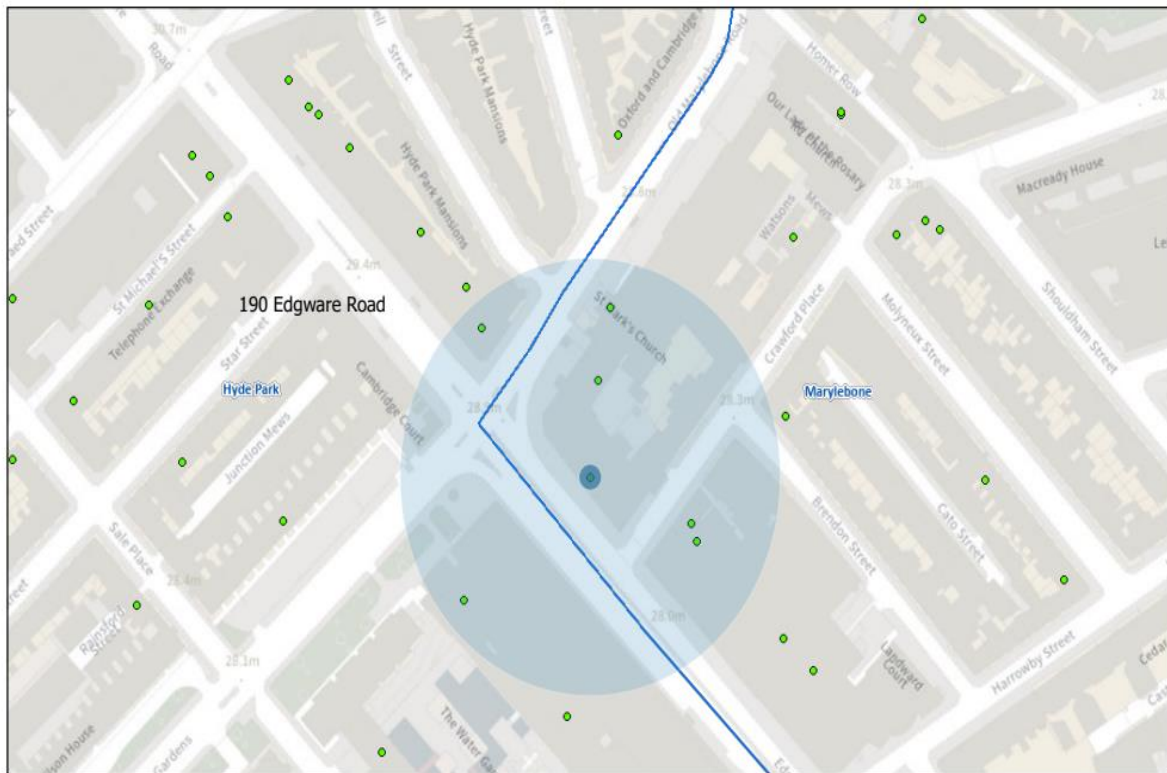
Conditions proposed by the Environmental Health

None

Conditions proposed by the Police

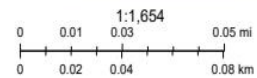
None

198 Edgware Road



20/03/2024, 06:37:44

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident Count: 134

| Licensed premises within 75m of 198 Edgware Road | | | | |
|--|----------------|--------------------------------------|----------------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 10/09311/LIPRW | Salwa Takeaway | 4 Crawford Place London W1H 5NB | Takeaway food outlet | Monday to Sunday; 07:00 - 05:00 |
| 24/00654/LIPCH | McDonald's | 178 - 180 Edgware Road London W2 2DS | Restaurant | Monday to Sunday; 05:00 - 00:00 |
| 23/02902/LIPVM | Gopuff | 145-147 Edgware Road London W2 2HR | Shop | Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; |

| | | | | |
|---------------|------------------------------------|--|----------------------|---------------------------------|
| | | | | 00:00 - 00:00 |
| 15/04057/LIPN | Raging Ball Sports Club (Basement) | Raging Ball Snooker Club 159 - 163 Edgware Road London W2 2HR | Snooker hall or club | Monday to Sunday; 00:00 - 00:00 |

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