

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 28 November 2019 |
| Title of Report: | Church Street Market Pitch Variations – Standardisation, demarcation and numeration of pitches. |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Church Street |
| Policy context: | City of Westminster Statement of Street Trading Policy 2013 and Strategy for Westminster City Council's markets 2019-2022 |
| Financial summary: | None |
| Report Author: | Mrs Sandra Robbie Senior Licensing Officer |
| Contact details | Telephone: 020 7641 1847 Email: srobbie@westminster.gov.uk |

REPORT SUMMARY

- 1.1 Church Street Market is a designated street market with 220 licensed pitches available on a Saturday and 136 licensed pitches during the week. The market is closed on Sunday. Church Street Market currently operates without a formal layout and without pitch markings which affects the market set-up and has led to a proliferation of issues such as the incorrect location of stalls and had led to difficulty in enforcement of the market. These issues have been further aggravated by the fact that market pitch sizes vary dependant on which side of the street the pitch is on.
- 1.2 Pitches numbered 501 to 687 have a licensed pitch size of 2.9m length X 2.76m width whereas pitches numbered 688 to 720 have a licensed pitch size of 2.9m length X 3.24m width.
- 1.3 The lack of pitch size uniformity has had a negative impact on the logistical operation, visual appearance and enforcement for the City Inspectors. This proposed improvement will implement an approved layout to standardise all pitches to a size of 3m x 3m. In addition to clearly marked and numbered pitch locations on the street.
- 1.4 The Market Development Team has conducted a survey of the market and identified that standardising pitch sizes will maximise visibility and will also result in an increase in pitch size for the majority of traders . However, there are 33 pitches that currently exceed the 3m X 3m pitch size by 24cm and the standardisation will result in a marginal loss of trading space.
- 1.5 All of the current market traders on Church Street were informed of the proposed changes by way of a formal consultation which ran between 21st October 2019 until 15th November 2019. A copy of the consultation letter and a summary of consultation feedback is enclosed at **Appendix A** of the report.
- 1.6 Maps of both the existing and proposed market layouts will be supplied at **Appendixes B and C** of the report.
- 1.7 The criteria themselves have been devised using the City of Westminster Act 1999, the Street Trading Policy 2013 and the emerging Market Strategy.

2. RECOMMENDATIONS

- 2.1 The Council's Licensing Authority recommends that the Licensing Sub-Committee:
- a) Approve the proposal for the standardisation of the market pitches to 3m x 3m.
 - b) Grant the variation of all 220 licences to take effect from 1 January 2020 to specifically:
 - i) Vary the licences relating to pitches 501 to 687 to increase the length from 2.9m to 3m and the increase the width from 2.76m to 3m.
 - ii) Vary the licences relating to pitches 688 to 720 to increase the length from 2.9m to 3m and decrease the width from 3.24m to 3m.

3. LEGAL FRAMEWORK

- 3.1 Street Trading within Westminster is regulated by the City of Westminster Act 1999 ('the Act'). Section 16(1) of the Act provides:

'... the Council may vary a street trading licence on 1st January in any year during the currency of the licence'.

- 3.2 Where relevant the Council may choose to vary the standard conditions appearing on those licences and if so must comply with the procedural steps contained under section 10 of the Act in terms of notice to be served on all respective licence holders of any likely change and the allowing of representations.
- 3.3 The Council has acted reasonably during the decision making process by carrying out a consultation exercise in respect of the above proposals, and by taking into account the responses received this ensures openness and transparency throughout.
- 3.4 These proposals will have the desired effect of standardisation for all of the market pitches which will in turn bring positive benefits to the Council for operational and enforcement purposes.

4. POLICY GUIDELINES

- 4.1 The Council from time to time makes adjustments to the size and location of designated street trading pitches so as to implement desirable and practical changes.
- 4.2 Policy ST5 - Designation and De-designation - of the Westminster City Council Statement of Street Trading Policy relates to the criteria that the Licensing Authority will follow when considering changes to an existing designation. Paragraph 5 (7) states 'Alterations to a pitch could include increasing its size to better accommodate its operational needs (chairs and tables) and allow the ability to have sufficient space for refuse, storage etc'.
- 4.3 Additionally paragraph 5(8) states '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'.

5. RESULTS OF CONSULTATION

- 5.1 The Market Development team initially met with traders to obtain their initial views in face-to-face conversations. These informal consultations sought to ascertain what the traders' concerns were beforehand, especially if the new pitch areas were going to be agreed by the traders whose pitch's size will be reduced. The proposals were met with a positive response and gave a general indication that most traders would be supportive of the changes to their pitches. Indeed, 53 traders are already trading from 3m x 3m gazeboes that were distributed as part of the Market Development team gazeboes' replacement roll out programme.
- 5.2 A formal consultation was run to give all the traders the opportunity to challenge the proposed changes prior to its implementation. The markets development team distributed drawings which explained in greater detail the proposed changes and showed the positions of the pitches so all traders were able to understand the proposals.
- 5.3 Following the consultation comments have been received from 4 traders. A summary of the traders' comments are enclosed at **Appendix D**.

6. NEXT STEPS

- 6.1 If the recommended variations are granted by the Licensing Sub-Committee, the markets team will coordinate with contractors to implement the changes from the 1st January 2020.
- 6.2 The Market Development team has undertaken detailed analysis to ensure that there is minimal disruption to traders and it is properly managed. The Council's Director of Highways will deal separately with the road closure of Church Street and the coming into effect of the Traffic Management Order in its capacity both as highway and traffic authorities. All of the works will be implemented within one day to prevent disruption to the market's operations and will be scheduled to be carried out on a Sunday night due to minimal noise.

4. Appendices

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| Appendix A | Consultation letter sent to market traders |
| Appendix B | Existing layout of Church Street Market |
| Appendix C | Proposed layout of Church Street Market |
| Appendix D | Responses to consultation |

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| Report author: | Mrs Sandra Robbie Senior Licensing Officer |
| Contact: | Telephone: 020 7641 1847 Email: srobbie@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

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| 1 | City of Westminster Act 1999 | N/A |
| 2 | City of Westminster Statement of Street Trading Policy 2013 | N/A |
| 3 | Strategy for Westminster City Council's Market 2019-2022 | N/A |

Church Street Market Pitches' Standardisation, Demarcation and Numeration

I'm writing to let you know that the Council would like to implement changes to improve the market's daily operations with the aim of offering an enhanced experience for traders and visitors. We would like to improve the market by changing and making each pitch a standard size of 3m x 3m as well as clearly marking and numbering pitch locations on the street.

As you may be aware, the market currently operates without any clear pitch markings which has led to a proliferation of issues such as encroachment and the incorrect location of stalls. In addition, market pitches on Church Street are of various sizes which has had a negative impact on the market's visual appearance. We would like to change this as we are confident that a more consistent look will transform the perception of the place, improve the general appearance of the market and hopefully attract more traders and customers. We also believe that the market will operate more efficiently by allowing traders to easily locate their pitches on arrival as well as by facilitating regular customers to identify the location of traders.

A formal consultation on the proposed changes is to go ahead and will run from 21st October for four weeks. We have attached a drawing which explains in greater detail all the proposed changes.

Please note that as a result of the pitch sizes standardisation most traders will have an increased serving area and the majority will also have an increased pitch size in total. If you hold a license for any of the following pitches: 689, 690, 692, 694, 695, 696, 697, 707, 708, 719, 720, we will contact you individually. Please also note there will be no changes to the pitch numeration and alignment sequence. However, the new demarcations might cause slight variations in the position of certain pitches along the market's axis (please refer to the attached drawing).

We are confident that the proposed changes will be beneficial for all traders, however, we would like to take this opportunity to ask you to give your feedback on the proposal prior to its implementation which has been scheduled to take place in January 2020. Please let us know in writing if you agree to standardise the pitch sizes, place new demarcations and number pitches along Church Street Market by emailing dzarif@westminster.gov.uk. Alternatively, you can contact us by post. Please direct written correspondence to Devrim Zarif using the address shown below.

**Church Street Regeneration Programme
Westminster City Council
Regeneration Base
99 Church Street
London
NW8 8EY**

Please ensure that you send us your comments by no later than November 15th so that the licensing authority can take them into account. We will assume that you have no objection to the proposal if we do not receive a response from you by that date. You will receive a formal notification before any changes are implemented.

Thank you in advance for sharing your views and helping to ensure the market thrives and prospers.

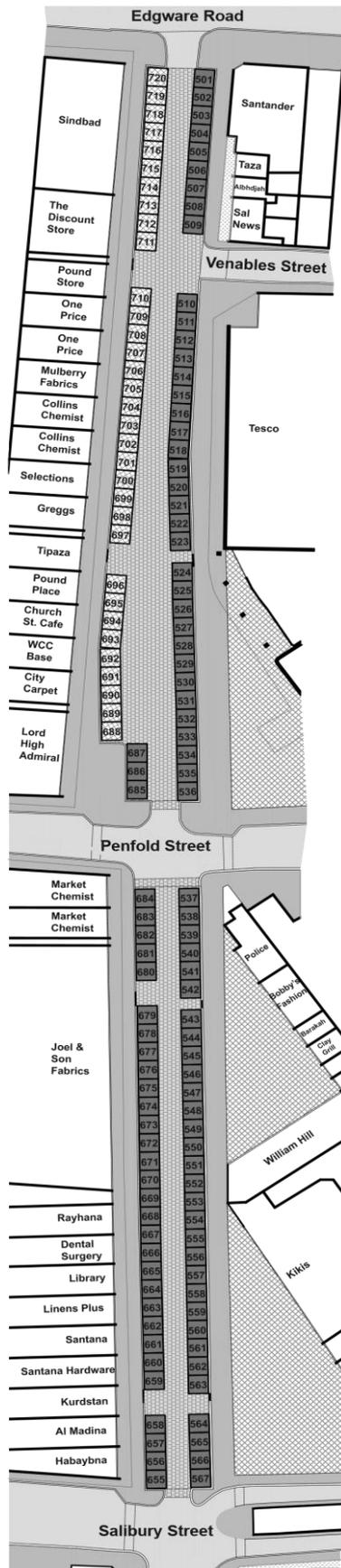
Existing Market Layout

Appendix B

The current layout format exceeds the size of the report and therefore will be provided as an additional document.

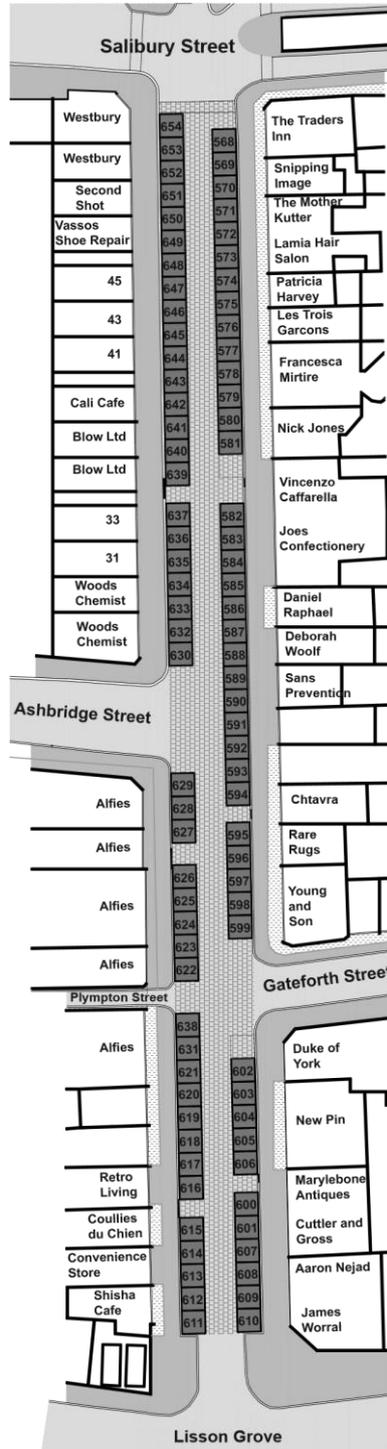
**Proposed Market Layout
Stretches between Edgware Road and Salisbury Street**

Appendix C



**Proposed Market Layout
Stretches between Salisbury Street and Lisson Grove**

Appendix C



Responses from consultation

Appendix D

Responses from traders including commentary stating this idea was long overdue and welcome.

Concerns were raised regarding the lack of appropriate toilet facilities and electricity and water which is not relevant to this particular consultation.

Responses from consultation

During the objection period 4 objections were received in relation to the proposal to standardise pitches' sizes and clearly mark and number pitches' locations along Church Street.

The correspondence received during the consultation period included three emails and one phone conversation.

The points raised in order of highest percentage were the following:

- Pitches' size standardisation: Three traders expressed their concerns with regards to the new pitches' sizes.
 1. The license holder for pitches 519 & 520 is concerned that he will need to replace his gazebos as the joining bars used on his stalls measure 3.05 meters each. (objection attached at App. D1.)
 2. The license holder for pitches 558, 559, 707 & 708 is concerned that reducing the size of pitches 707 & 708 by 24 centimetres each will affect his business. (objection attached at App. D2.)
 3. The license holders for pitches 719 & 720 are concerned that increasing the gazebos size by 10 centimetres on both sides of the market will impede for two vans to park and circulate simultaneously through the middle of the road, which in their opinion will cause congestion during the set-up and break-down of the market. (objection attached at App. D3.)
- Pitches demarcations: Two traders made observations regarding the new pitches' markings.
 1. The license holder for pitches 660 & 661 mentioned that in case of rain, his pitches require an additional 30 centimetres on both the road and kerb sides. This is to enable him to attach rain hood extensions on both sides of his gazebo which currently measures 6m x 3m. He observed that due to an existing lamppost, the only way to attach the rain hoods is by moving the gazebo 30 centimetres towards the road. (objection attached at App. D4a.)
 2. The license holder for pitches 558, 559, 707 & 708 is concerned by the removal of the gaps between pitches as he believes that this will impede his clients to gain access to his stalls. (objection attached at App. D2a.)

Details of all the objections received have been forwarded to the Licensing team in compliance with the Westminster Act. We await the Subcommittee members decision on the outcome of the proposal.

Officers have also received positive comments regarding the pitch demarcations, with traders commenting on the need for improved presentation of the market and defined pitch markings. The lack of pitch markings has been raised as an issue by some traders in previous meetings and consultations.

Some traders with larger pitches were actually indifferent to the change in sizes and saw it as being of no real consequence given that their gazebos were actually smaller than the pitch dimensions and already conforming with the 3m x 3m proposal.

Objector 1

Appendix D1

From: [REDACTED]
Sent: 27 October 2019 13:07
To: [REDACTED]
Subject: Standardisation. Demarcation and Numeration

Ref: 18/07082/L1_STT @ 18/07083/L1_STT
[REDACTED] (Saturday's)

Dear Ms Rebecca St Rose,
With regard to the above changes to the proposed standard sizing of 3.3 x 3.3 metres.
This equates to 10 Foot 9.921 inches can you confirm this as the joining bars on all stalls
would normally be 10 Foot which could made up of 2 x 5 Foot bars.
As long as 10 Foot is permitted this would eliminate having to replace complete stalls at
considerable expense .

Kind Regards,

[REDACTED]

Objector 2

Appendix D2

From: [REDACTED]
Sent: 14 November 2019 22:32
To: [REDACTED]
Subject: Church Street Market Pitch

Dear Mr Zarif Devrim,

This is [REDACTED] Monday to Friday. And pitch [REDACTED] on Saturday. I am replying to your letter regarding the above pitches.Church street market.

I am writing you to tell you about the council's proposals to change the measurement and to make them small Size's. In my opinion this design will not help our businesses. But to make it small and hard to work. Already you have made a lot of changes these changing made the market not good as it was in the old days.

You are taking the gaps from my pitches that means I won't have access to the stalls and the same my customers won't get to the stalls if I don't have access to these pitches how can I be doing good business. That means I will be losing more business in the future. If you look to my pitches on Friday [REDACTED] I am working in these pitches for almost 15 years you given this pitches to a new market trader who is using these pitches on a busy Saturday and you put me last in the end of Market [REDACTED].

I pay more money to you and I am licensed for the whole week this market trader who works on my pitches he is making money not me I am loosing on Saturday. Because you put me at the end so kindly I am requesting you not to bring changes leave it as it is. We have a lot of more problems at church street market which should be discussed and solved, as I have more new ideas to help and improve the market.

Kind regards,

[REDACTED]

Objector 3

Appendix D3

Sent: 15 November 2019 12:02

To: [REDACTED]

Subject: [REDACTED]

Importance: High

Hi Renata,

Just spoke with [REDACTED]

She says currently, two vans can park side by side in the middle of the road or if one is parked the other can pass by.

She is concerned that the new gazebos will not allow vans to do this when setting up and breaking down.

She fears this will cause a huge problem and a lot of congestion.

She is also upset about the lack of electricity, she thinks it's terrible that WCC allow food traders to trade without proper water supply.

She is very disgusted that for 9 years there are no appropriate toilet facilities for traders.

Best regards

Devrim Zarif

Programme Manager - Retail, Markets and Business

Church Street Regeneration Programme

Westminster City Council

Regeneration Base

99 Church Street, NW8 8EY

Tel: 020 7641 4729

Objector 4

Appendix D4a

From: [REDACTED]
Sent: 29 October 2019 17:24
To: [REDACTED]
Subject: Church St Market

Dear [REDACTED]

[REDACTED] Pitch numbers [REDACTED]

Following your email of 17/10/2019 regarding the new demarcation of pitches from January 2020, I would like to respond as follows:

Whilst I believe this idea is long overdue, and therefore welcome, it does have a small impact on our pitches 660 and 661.

When there is rain or inclement weather, our 6m x 3m gazebo requires us to attach rain hood extensions (pavement side and road side) to protect our expensive rugs from getting wet and damaged.

This new demarcation will present no problem on the front (road-side) but on the rear (pavement side) we can only erect the rain hoods by moving the gazebo 30cm in due to there being a lamppost directly in front of the gazebo on the pavement.

This is what we currently have to do.

We cannot afford to allow the rugs to get wet, and therefore have no choice but to move the gazebo slightly by 30cm to accommodate the rain hood.

If you can please confirm that we have your permission to do this so that we can advise the market inspectors accordingly before they report this to you.

Yours sincerely,

[REDACTED]
[REDACTED]

Objector 2

Appendix D2a

From: [REDACTED]
Sent: 14 November 2019 22:32
To: [REDACTED]
Subject: Church Street Market Pitch

Dear [REDACTED],

This is [REDACTED] pitch number [REDACTED] Monday to Friday. And pitch [REDACTED] on Saturday. I am replying to your letter regarding the above pitches.Church street market.

I am writing you to tell you about the council's proposals to change the measurement and to make them small Size's. In my opinion this design will not help our businesses. But to make it small and hard to work. Already you have made a lot of changes these changing made the market not good as it was in the old days.

You are taking the gaps from my pitches that means I won't have access to the stalls and the same my customers won't get to the stalls if I don't have access to these pitches how can I be doing good business. That means I will be losing more business in the future. If you look to my pitches on Friday [REDACTED] I am working in these pitches for almost 15 years you given this pitches to a new market trader who is using these pitches on a busy Saturday and you put me last in the end of Market [REDACTED]

I pay more money to you and I am licensed for the whole week this market trader who works on my pitches he is making money not me I am loosing on Saturday. Because you put me at the end so kindly I am requesting you not to bring changes leave it as it is. We have a lot of more problems at church street market which should be discussed and solved, as I have more new ideas to help and improve the market.

Kind regards,

[REDACTED]