



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

20/00472/RESCIN

Date:

28 January 2021

Classification:

For General Release

Title of Report:

**Street Trading - Isolated Pitch 1640 Horseferry Road
Area 3 – Victoria Street, Millbank, Belgrave Square**

Report of:

Director Public Protection & Licensing

Policy context:

To provide a safe, well-regulated environment.

Financial summary:

None

Report Author:

**Shannon Pring
Senior Practitioner Street Trading**

Contact Details:

**Telephone: 07971 920 413
E-mail: spring3@westminster.gov.uk**

PROPOSAL DETAILS

Proposal:	The designating resolution passed by the Council on 25 July 1990 be varied to rescind the designation of street trading pitch 1640 Horseferry Road.
Pitches and Locations:	Pitch 1640 Horseferry Road is located on the footway of Horseferry Road south of the junction with Dean Ryle Street against railing of the previous Westminster Hospital.
Pitch Dimensions:	The size of pitch is L 12' (3.66m), W 3' 6" (1.06m), H 7' (2.13m).
Ward Name:	Vincent Square

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 designation of Pitch 1640 Horseferry Road as the pitch remains vacant as has not been used for a period greater than 6 months and the pitch is no longer suitable for street trading.

2. Summary

The Street Trading Policy adopted in December 2013 sets out in Policy ST5 –Designation & de-designation, the criteria for establishing suitable locations for street trading pitches and reasons for de-designation in cases where the location is unsuitable. The licensing authority will maintain an up-to-date record of all designated street trading pitches including those which are currently vacant. Designated pitches will be continually reviewed for their suitability.

In order to implement Policy ST5, the council must review isolated pitch 1640 Horseferry Road as the pitch remains unlicensed and is no longer suitable for street trading.

3. Background

On 5th March 2015 the Licensing Authority submitted a report to the Licensing Sub-Committee requesting that the committee consider rescinding the designation of a number of vacant isolated pitches within Area 3; Pitch 1640 Horseferry Road was included in that list.

As part of the consultation the Licensing Service received a request from a prospective trader, requesting permission to apply for Pitch 1640 Horseferry Road. At the licensing sub-committee hearing Councillor David Harvey made a representation to the Committee on behalf of one of his constituents - the proposed applicant – as he had a genuine interest in operating the pitch as a coffee stand. The Licensing Sub-Committee made the decision not to rescind the designation of the pitch. The Sub-Committee decision can be found at Appendix 1 of the report.

On 18 March 2019 the Applicant submitted an application to the Licensing Service for a street trading licence for Pitch 1640 Horseferry Road. The applicant was granted a street trading licence to sell fresh falafel.

On 28 November 2019 the applicant applied to transfer his street trading licence to a vacant pitch at Strutton Ground Market. His application was granted on 24 January 2020. Following this move the pitch has remained vacant.

4. Consultation

In seeking to rescind the designation of Pitch 1640 Horseferry Road, the Licensing Service has undertaken the statutory consultation with the Highway Authority, Police and the West End Street Traders Association.

In addition, notification of the intention to rescind the designation was sent to the Council's Highways Planning Service, relevant Ward Members, local amenities societies (The Thorney Island Society)

A copy of the notification of intent to rescind the designation is included as **Appendix 2** of the report.

5. Consultation Response:

- **City Planning, Highways and Street Management:**

Email from Sean Dwyer in Highways Planning supporting the de-designation of the pitch as detailed in **Appendix 3**.

6. Street Trading Policy

- The following policies within the City of Westminster Statement of Street Licensing Policy apply:

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

- 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).
- Section 5(2) of the Act provides:
The council may from time to time rescind or vary any such resolution.
- 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.

- 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

- 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 Secretary of State whose decision shall be final.

List of Appendices

Appendix 1	Licensing Sub-Committee decision 5 March 2015
Appendix 2	Notification of intent to rescind designation dated 24 January 2020
Appendix 3	Consultation response: S Dwyer – Highways Planning dated 13 February 2020

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

LICENSING SUB-COMMITTEE No. 5*Thursday 5th March 2015*

Membership: Councillor Angela Harvey (Chairman), Councillor Susie Burbridge and Councillor Rita Begum

Legal Adviser: Anita Sharman
 Policy Adviser: Chris Wroe
 Committee Officer: Joe McBride

Declarations of Interest: Councillor Angela Harvey made a declaration that she chairs the Promoting Pimlico Retail Group. Also that her husband, Councillor David Harvey, Vincent Square Ward made a representation in respect of one of pitch in his ward, 1640 on Horseferry Road.

Relevant Representations: Councillor David Harvey submitted a representation in support of retaining pitch 1640 on Horseferry Road.

Present: Mr Chris Mason (Policy Manager, City Schemes), Mr David Chambers (representing WESTA), Nichola Stratford (Senior Practitioner), Taurna Adnath (Senior Licensing Officer), Sue Bahia (Lanesborough Hotel) and Mr Adam El-Mokdad (Street Trader)

Street Trading Isolated Pitches in Areas 3 – Victoria Street, Millbank, Belgrave Square and other areas (1 & 2)
15/00764/LIPRS

The application was submitted by the Licensing Service to rescind the designation of 15 vacant street trading pitches in Knightsbridge and Belgravia, St. James's, Vincent Square, Warwick and West End. This followed the Licensing Service having undertaken a survey of all 66 vacant isolated pitches in Westminster to establish their suitability for street trading. Of the initial 66 pitches, 17 (including the 15 in consideration at this hearing) remain vacant.

The Sub-Committee noted the statutory consultation process undertaken by the Licensing Service regarding the proposed de-designation of the 15 vacant street trading pitches as set out in the report and also the notification of external stakeholders, Members and officers of the Council.

One external representation had been received in response to the application. Councillor David Harvey, as the local ward Councillor, wished to set out his support for the retention of pitch 1640 in Horseferry Road on the grounds an applicant, Mr El-Mokdad, had a genuine interest in operating the pitch as a coffee stand. Cllr David Harvey submitted his representation in order to support opportunities for employment within Westminster. The pitch in question, 1640 in Horseferry Road, is proposed for de-designation.

Mr David Chambers, on behalf of WESTA, made no adverse representation to the proposals contained in the report and stated his support for the de-designation of unviable pitches. With regard to pitches 1738, Bressenden Place, and 1660, Broadway, Mr Chambers requested that officers provide an assurance that new pitches would be considered when the on-going works have been completed. Mr Chambers stressed that he was not seeking a guarantee that pitches would be reinstated but merely that new pitches be at least considered in consultation with WESTA.

Mr Chris Mason confirmed that while the Council's vision for the future is to embrace practical street trading, current policy is focused on the removal of street pitches that may no longer be suitable or are causing obstruction in areas where they had previously operated. Mr Mason explained that new pitches will be certainly be considered but the location or style of pitches currently in operation may need to change. This has resulted in officers' reluctance to commit to consideration of new pitches on sites 1738, Bressenden Place, and 1660, Broadway.

Ms Sue Bahia, on behalf of the Lanesborough Hotel, supported the de-designation of pitch 1630, Knightsbridge, on the basis that it was causing an obstruction on the public highway and that it was not in keeping with the surroundings of the area. The Sub-Committee asked Ms Bahia if the Lanesborough objected to the pitch on the grounds of the inevitable, if minor, competition a coffee stall would bring to the hotel's operation. Ms Bahia replied that this was not the reason for the objection.

The Sub-Committee asked officers if the Council has the power to designate the look of individual pitches as well as the commodities they sell. Ms Stratford replied that the Council does have such powers through the means of a Specifying Resolution that provides a mechanism for assessing the look of a stall and the commodities on sale in line with Council policy.

The Panel thanked those in attendance for their representations. Based on the representations and the information contained in the report, the Sub-Committee decided that the following pitches should be de-designated: 1613 Parliament Street, 1668 Buckingham Palace Road, 1674 Belgrave Square, 1678 Buckingham Palace Road, 1682 Buckingham Palace Road, 1778, Millbank, 1137, 1138 and 1139, Peter Street and 1786, Green Park Exhibition.

The Sub-Committee decided not to de-designate pitches 1660, Broadway, 1738, Bressenden Place, 1640, Horseferry Road and 1630, Knightsbridge on the grounds that they could make a positive commercial impact to the city by increasing employment opportunities as well as contributing to the vivacity of their local areas.



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

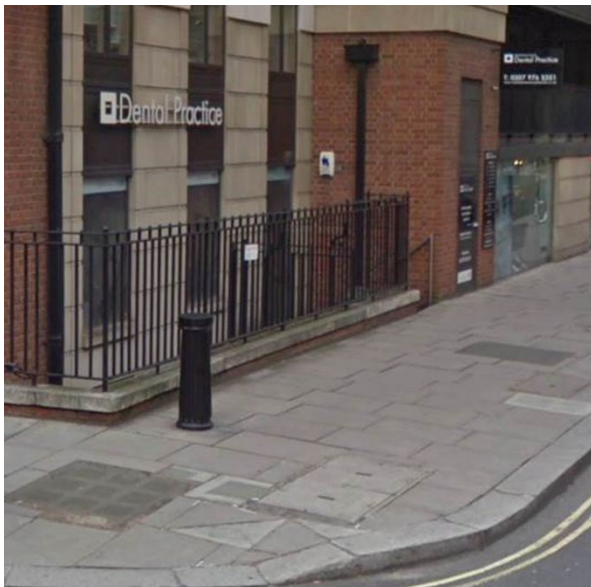
Tel. No: 020 7641 3217
Date: 24 January 2020

Dear,

INTENTION TO RESCIND DESIGNATION: PITCH 1640 HORSEFERRY ROAD

I write to inform you that Westminster City Council intends to rescind the designating resolution for street trading pitch 1640 Horseferry Road.

Pitch 1640 Horseferry Road is located on the footway of Horseferry Road south of the junction with Dean Ryle Street against railing of the previous Westminster Hospital. The size of pitch is L 12' (3.66m), W 3' 6" (1.06m), H 7' (2.13m). The following image is a photograph on where the pitch is currently designated:



A recent audit identified that this pitch is no longer suitable for trading due to its locality. There is no street trading licence currently associated with the pitch.

Anyone wishing to make representations about the Council's application should do so by **12 March 2020**. Representations can be made in writing to streettradinglicensing@westminster.gov.uk or alternatively to the address above.



Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Pring', written on a light blue rectangular background.

Shannon Pring
Senior Practitioner Street Trading and Enforcement
Licensing Team

From: [Dwyer, Sean: WCC](#)
To: [Pring, Shannon: WCC](#)
Date: 13 February 2020 15:18:14
Attachments: [image001.jpg](#)
[image002.png](#)

Hi Shannon

I visited the site with Jonathan back in October and concluded that the site was far from ideal but maybe just about acceptable given the relatively low pedestrian flows in the area, but we looked in the immediate vicinity and I felt that any kiosk would be better positioned further to the west, where the footway is wider and where the kiosk would not be right at a junction, as the existing pitch is with the junction of Horseferry Road and Dean Ryle Street.

If no-one is currently operating from that pitch I would gladly support its de-designation.

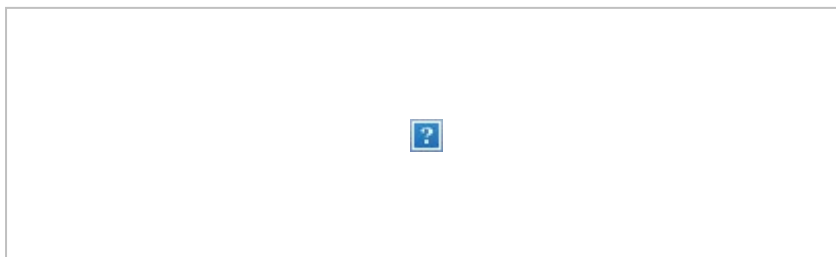
Sean

Sean Dwyer

Highways Planning Manager
City Highways
City Management and Communities
13th Floor City Hall,
64 Victoria Street, London, SW1E 6QP

Telephone/Mobile: 07971-093037
sdwyer@westminster.gov.uk

Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning or Highway Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, policies and having had regard to material considerations.



From: Pring, Shannon: WCC <spring3@westminster.gov.uk>
Sent: 13 February 2020 14:44
To: Dwyer, Sean: WCC <sdwyer@westminster.gov.uk>
Subject: Pitch 1640, Horseferry Road

Good Afternoon Sean,

Please see attached a letter notifying you of our intention to de-designate the pitch for 1640 Horseferry Road. I note that you are not a statutory consultee but it would be great to get any comments that you might have for the purposes of the report.

Kind regards,

Shannon

Shannon Pring

Senior Practitioner for Street Trading and Enforcement

Licensing Team

Public Protection & Licensing

Westminster City Council

15th Floor

64 Victoria Street

London

SW1E 6QP

Telephone: 020 7641 6500 (Contact Centre)

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City for All

