



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

Application to rescind & vary street trading designation

Date:

16 February 2023

Classification:

For General Release

Title of Report:

Street Trading - Isolated Pitches 1612 & 1736 Villiers Street

Report of:

Interim Director Public Protection & Licensing

Policy context:

To provide a safe, well-regulated environment.

Financial summary:

None

Report Author:

**Sana Butt
Senior Licensing Officer - Street Trading**

Contact Details:

**Telephone: 07971 920 409
E-mail: sbutt@westminster.gov.uk**

PROPOSAL DETAILS

Proposal:	Rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street
Current Pitch Designation: Pitch 1736	Pitch 1736 Villiers Street is located on the pedestrian area immediately south of licence pitch number 1612. The size of the pitch is L10.6' (3.23m), W7' (2.13m).
Current Pitch Designation: Pitch 1612	Pitch 1612 Villiers Street is located on the west side near the junction with the Strand 32' from the back of the Strand footway. The size of the pitch is L15' (4.57m) W7' 6" (2.29m).
Proposed Varied Pitch Designation: Pitch 1612	On the west side near the junction with the Strand 32' from back of Strand footway commencing L20' x W: 9' (L: 6.1m x W: 2.7m). An image of the proposed pitch can be found at Appendix A
Ward Name:	St James

1. Purpose of the report

The Licensing Sub-Committee is asked to rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street as recommended by officers.

2. Summary

The licence holder for Pitch 1736, who is not currently trading, has requested that his pitch be de-designated and has confirmed that he will surrender his licence on completion of the de-designation of his pitch.

The licence holder for Pitch 1612 has requested that the designation of his pitch be varied from L: 15' x W: 7'6" (L: 4.57m x W: 2.29m) to L20' x W: 9' (L: 6.1m x W: 2.7m).

The Licensing Service is in support of this proposal in that by creating one pitch and reducing the overall area occupied by two pitches this will significantly improve the public realm. Also, the licence holder for Pitch 1736 will not be adversely affected by surrendering his licence because he will continue to be supported by his son, the licence holder of Pitch 1612.

3. Background

Pitch 1736 Villiers Street is located on the pedestrian area immediately south of licence pitch number 1612. The size of pitch is L10.6' (3.23m), W7' (2.13m).

The pitch has a licence attached to it, although the trader has not been trading since 2017 when he submitted a request to suspend his licence to the Licensing Service. This was originally scheduled to be heard by the Licensing Sub-Committee but it was withdrawn before being heard.

Pitch 1612 Villiers Street is located on the west side near the junction with the Strand, 32' from the back of the Strand footway. The size of pitch is L15' (4.57m) W7' 6" (2.29m).

The pitch has a licence attached to it and is currently operating as a retail unit selling food and beverages, mobile phones and accessories, and festive novelties.

4. Consultation

In seeking to rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street, the Licensing Service has undertaken the statutory consultation with the Street Trading licence holders, Highway Authority, Police, the West End Street Traders Association and any other licence holders whom the City Council could reasonably expect would be affected by the proposed rescission and variation.

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

A copy of the notification sent to one of the relevant parties can be found at **Appendix B**.

5. Consultation Responses:

a) Licence Holder(s):

On 5 January 2023, the Licensing Service received a representation supporting the council's intention to rescind the designation. The full representation can be found at Appendix C of the report.

b) Ward Councillors:

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

c) West End Traders Association (WESTA):

On 5 January 2023, the Licensing Service received a representation supporting the council's intention to rescind the designation of 1736 and vary the designation for pitch 1612 to increase the pitch size. The full representation can be found at Appendix C of the report.

d) Highways Planning:

On 23 January 2023, the Licensing Service received a representation supporting the council's intention to rescind the designation of 1736 and vary the designation for pitch 1612 to increase the pitch size. 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. Notice of Hearing

On 23rd January 2023, the Licensing Service sent a notice of hearing to the Street Trading licence holders, Highway Authority, Police, the West End Street Traders

Association, and the Council's relevant Ward Members. A copy of the notice can be found at Appendix E of the report.

7. 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 Licensing Service do not consider that these recommendations have any Equality Act implications to report.

8. 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.*

9. 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.

10. 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 a Magistrates Court acting for the area of the council.

11. Recommendation

Rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street.

List of Appendices

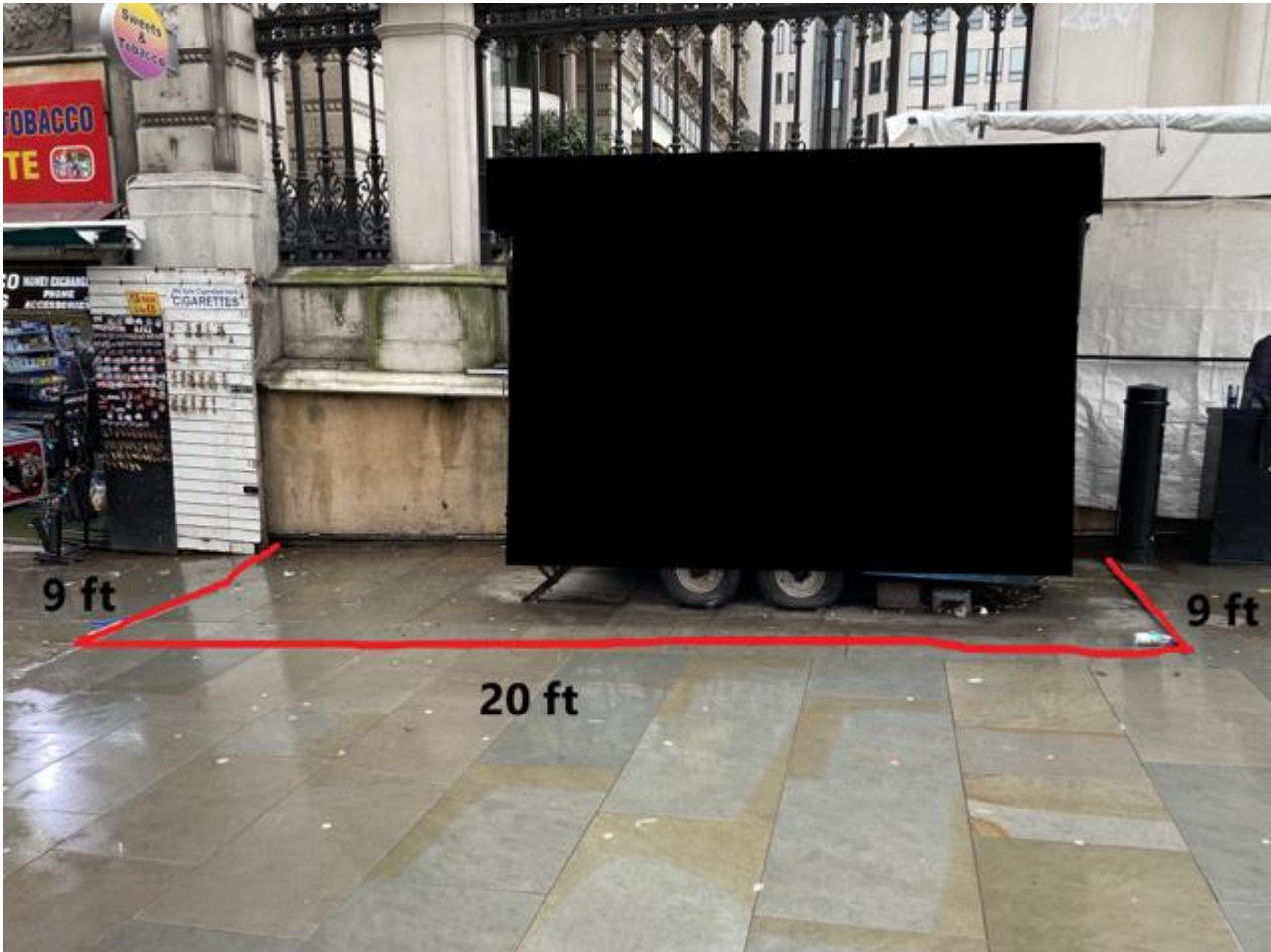
Appendix A	Image of the proposed Pitch
Appendix B	Consultation letter sent to one of the relevant parties
Appendix C	Consultation response from Licence Holder(s) and WESTA
Appendix D	Consultation response from Highways Planning
Appendix E	Notice of hearing sent to relevant parties

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Sana Butt** at sbutt@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

Appendix A – Image of the proposed Pitch



Photograph supplied by WESTA. The red line shows the proposed varied size of pitch 1612

Appendix B - Consultation letter sent to relevant parties

From: [Butt, Sana: WCC](#)
To: [Hyams, Louise \(Cllr\): WCC](#); [Mitchell, Tim \(Cllr\): WCC](#); [Shearer, Mark \(Cllr\): WCC](#)
Cc: [street_tradinglicensing: WCC](#)
Bcc: [Pring, Shannon: WCC](#)
Subject: Notification of intent to: Rescind designation for Pitch 1736 Villiers Street & Vary designation for Pitch 1612 Villiers Street
Date: 22 December 2022 15:37:00
Attachments: [image002.png](#)
[image004.png](#)
[image001.wmf](#)
[image003.png](#)
[image008.jpg](#)

Dear St James's Councillors,

**INTENTION TO RESCIND DESIGNATION: PITCH 1736 VILLIERS STREET
INTENTION TO VARY THE DESIGNATION: PITCH 1612 VILLIERS STREET**

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 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street.

Pitch 1612 Villiers Street is located West side near junction with Strand 32' from back of Strand footway. The size of pitch is L15' (4.57m) W7' 6" (2.29m).

Pitch 1736 Villiers Street is located on the pedestrian area immediately South of licence pitch number 1612. The size of pitch is L10.6' (3.23m), W7' (2.13m).

The following image is a photograph of where the pitches are currently designated:

Reason: The licence holder for Pitch 1612 has requested that the designation of his pitch be varied from L: 15' x W: 7'6" (L: 4.57m x W: 2.29m) to L20' x W: 9' (L: 6.1m x W: 2.7m). The licence holder for Pitch 1736, who is not currently trading, will surrender his licence on completion of the de-designation of his pitch.

The Licensing Service is in support of this proposal in that by creating one pitch and reducing the overall area occupied by two pitches will significantly improve the Public

Realm area. Also, the licence holder for Pitch 1736 will not be adversely affected by surrendering his licence because he will continue to be supported by his son, the licence holder of Pitch 1612.

Anyone wishing to make representations about the Council's application should do so by **19 January 2023**. Representations can be made in writing to streettradinglicensing@westminster.gov.uk or alternatively to the address above.

Yours faithfully,

Sana Butt
Senior Licensing Officer - Street Trading Team
Public Protection & Licensing
Westminster City Council
City Hall
64 Victoria Street
15th floor
London
SW1E 6QP

07971920409
sbutt@westminster.gov.uk

Appendix C – Consultation response from Licence Holder(s) and WESTA

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

THE OLD VICARAGE, LANGLEYBURY,
KINGS LANGLEY, HERTS WD4 8QR
FAX NUMBER: 0208 5915427– OFFICE: 020 8591 1004
Committee Chairman: Wally Watson. Secretary: Caroline Pattenden
Committee Members: Mark Impleton, Victoria Munroe
Stephen Burney, Peter Compobassi
Treasurer: Stephen Burney

BY EMAIL: sbutt@westminster.gov.uk

5 January 2023

Sana Butt
Senior Licensing Officer /Public Protection and Licensing
Westminster City Council
15th Floor, City Hall
64 Victoria Street
London SW1E 6QP

Dear Sana

INTENTION TO VARY DESIGNATION: PITCH 1612
INTENTION TO RESCIND DESIGNATION: PITCH 1736

Thank you for your notice advising that the Council intends to rescind the designating resolution for street trading from Pitch 1736 and vary the designating resolution for Pitch 1612 to increase the pitch size from L15' W7'6" to L20' W9'.

As you are aware, both Terry Palmer and Albert Palmer, the licence holders of Pitches 1612 and 1736 respectively, have agreed to the proposal to create one licensed street trading pitch at the location, and that the street trading licence for 1736 will be surrendered following the determination of the Council to vary the designation for Pitch 1612.

Accordingly, WESTA and on behalf of Terry and Albert Palmer support the proposal to rescind the designating resolution for Pitch 1736, and simultaneously vary the designating resolution for Pitch 1612 on the basis of your notice of 22 December 2022.

In your email of 22 December 2022, you provided a photograph of where the pitches are currently designated. I have attached a photograph showing the location of Pitch 1612 if the pitch was the proposed size of L20' W9". I hope this photograph will be helpful to the Licensing Sub-Committee, and also show how the change will enhance the area at the steps leading up to Charing Cross Station.

Yours sincerely



Wally Watson
Chairman – West End Street Trading Association

wallywatson@kws-imports.co.uk

Office 0208-591 1004
Mobile 07973210161

Appendix D – Consultation response from Highways Planning

From: [Dwyer, Sean: WCC](#)
To: [Butt, Sana: WCC](#)
Cc: [street_tradinglicensing: WCC](#)
Subject: RE: Notification of intent to: Rescind designation for Pitch 1736 Villiers Street & Vary designation for Pitch 1612 Villiers Street
Date: 23 January 2023 13:10:56
Attachments: [image003.png](#)
[image004.png](#)
[image006.wmz](#)
[image007.png](#)
[image008.png](#)
[image009.jpg](#)

Hi Sana

Thank you for consulting Highways Planning on this case.

I would support the proposals.

Having one pitch instead of two and with the one taking up less space on the highway than the existing two would seem to me to be an improvement from a highways point of view.

Sean

Sean Dwyer

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

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

Appendix E – Notice of hearing sent to relevant parties

From: [Butt, Sana: WCC](#)
Cc: [street, tradinglicensing: WCC](#)
Bcc: [Dwyer, Sean: WCC](#); [Police General Licensing: WCC](#); [terrupalmer1983@yahoo.co.uk](#); [Wally Watson](#); [Hyams, Louise \(Cllr\): WCC](#); [Mitchell, Tim \(Cllr\): WCC](#); [Shearer, Mark \(Cllr\): WCC](#); [Pring, Shannon: WCC](#)
Subject: NOTICE OF HEARING - RESCIND DESIGNATION FOR PITCH 1736 VILLIERS STREET & VARY DESIGNATION FOR PITCH 1612 VILLIERS STREET
Date: 23 January 2023 12:23:00
Attachments: [RULES OF PROCEDURE LICENSING SUB COMMITTEE.pdf](#)
[image002.png](#)

Dear Sir/Madam,

**REGULATION OF STREET TRADING
INTENTION TO RESCIND DESIGNATION: PITCH 1736 VILLIERS STREET
INTENTION TO VARY THE DESIGNATION: PITCH 1612 VILLIERS STREET**

I am writing further to my email dated 22 December 2022 in respect of the proposal to rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street 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 **16th February 2023. 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.

Please confirm by **10th February 2023** if you will be attending the meeting and the name(s) of anyone attending with you.

A copy of the report to be considered by the Sub-Committee will be sent to you a few days before the hearing.

Yours sincerely,

Sana Butt
Senior Licensing Officer - Street Trading Team
Public Protection & Licensing
Westminster City Council
City Hall
64 Victoria Street
15th floor
London
SW1E 6QP

07971920409
sbutt@westminster.gov.uk