



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

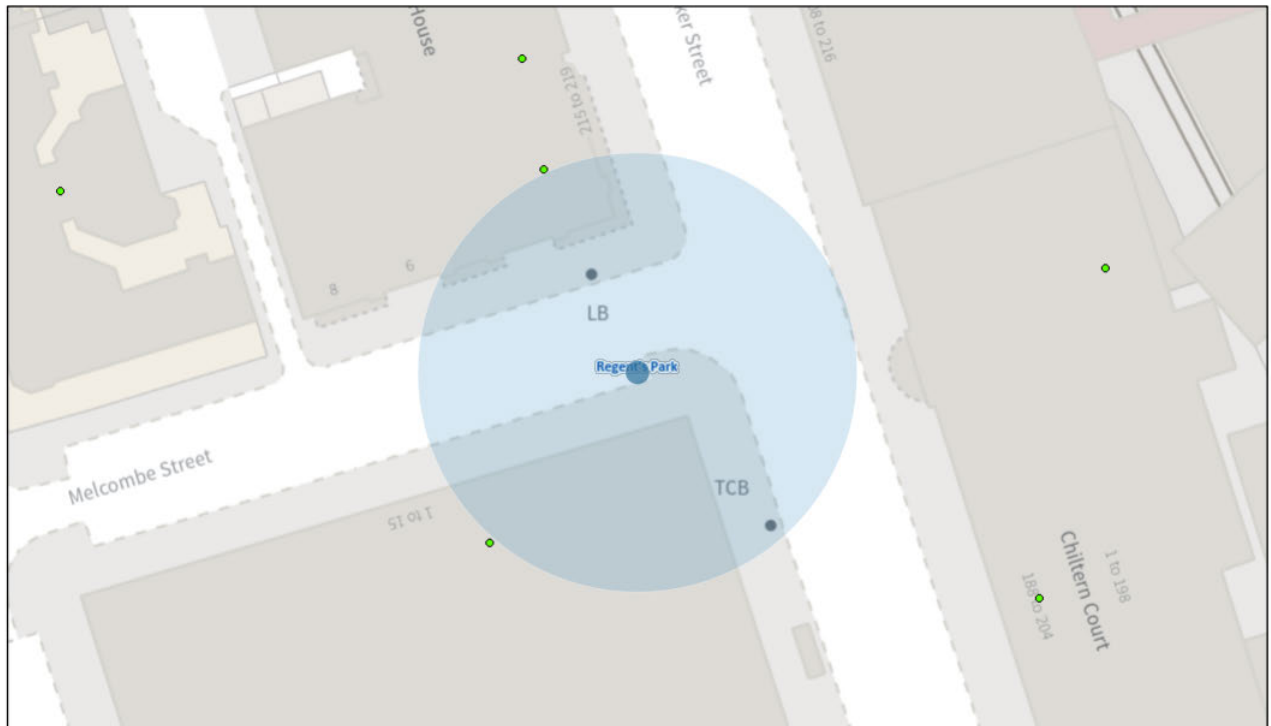
If you have any questions about this report, or wish to inspect one of the background papers, please contact **Shannon Pring** at spring3@westminster.gov.uk

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

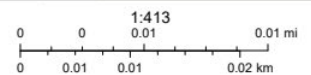



Pitch 917 Melcombe Street



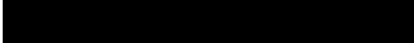
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- Property Mailing List
- Ward Boundaries
- Ward Labels



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,

Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP

020 7641 6000
westminster.gov.uk



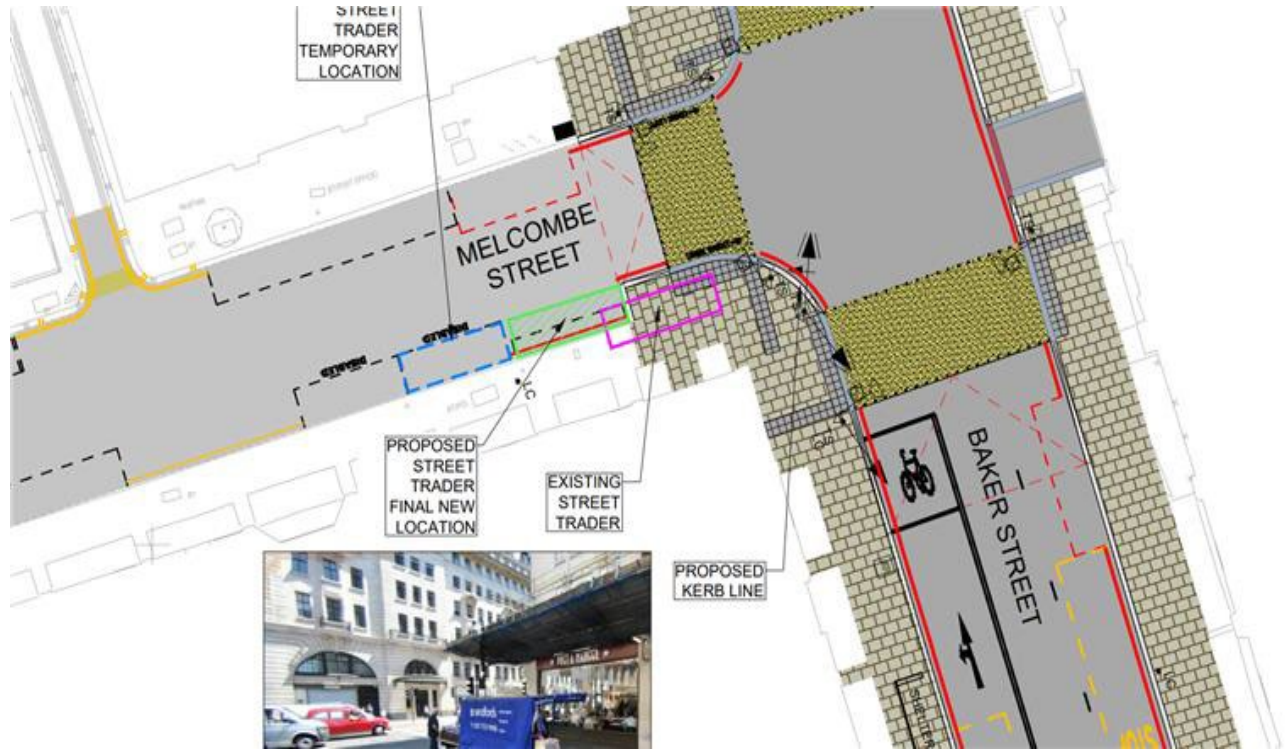
City of Westminster

A handwritten signature in black ink, appearing to read 'Shannon Pring', with a small horizontal line at the end.

**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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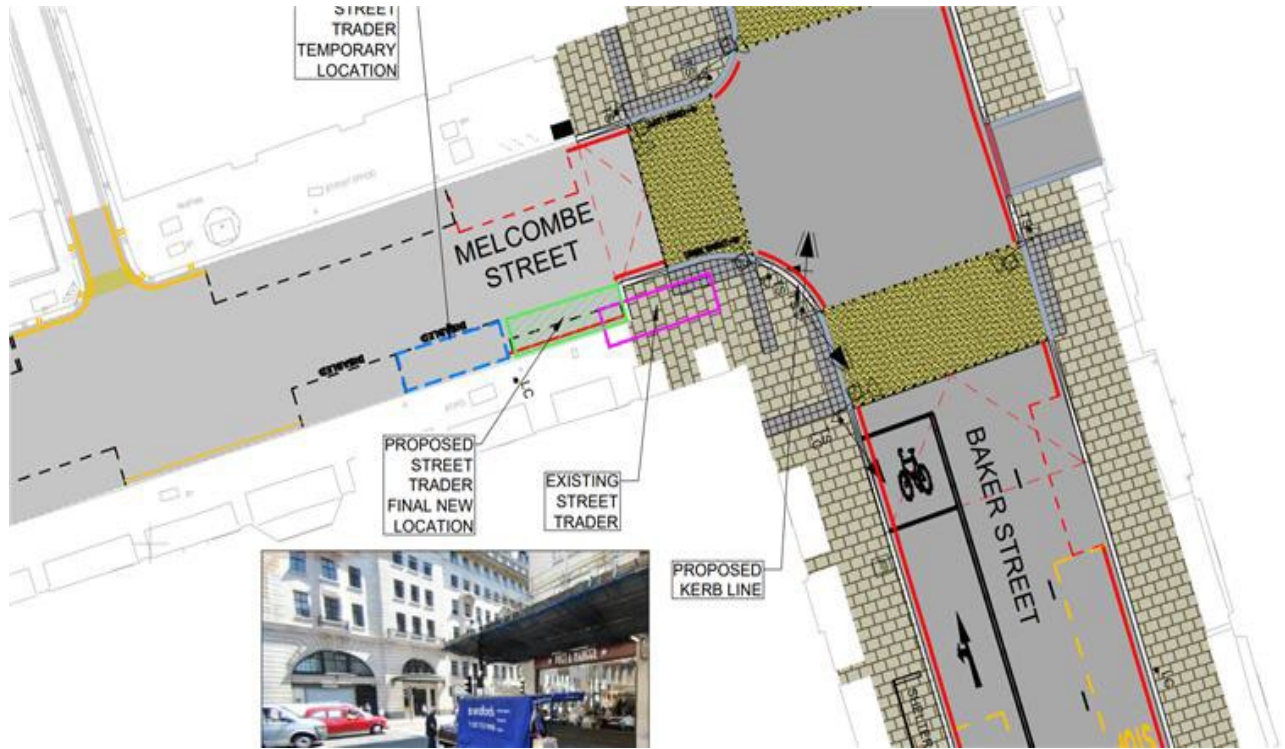
City of Westminster

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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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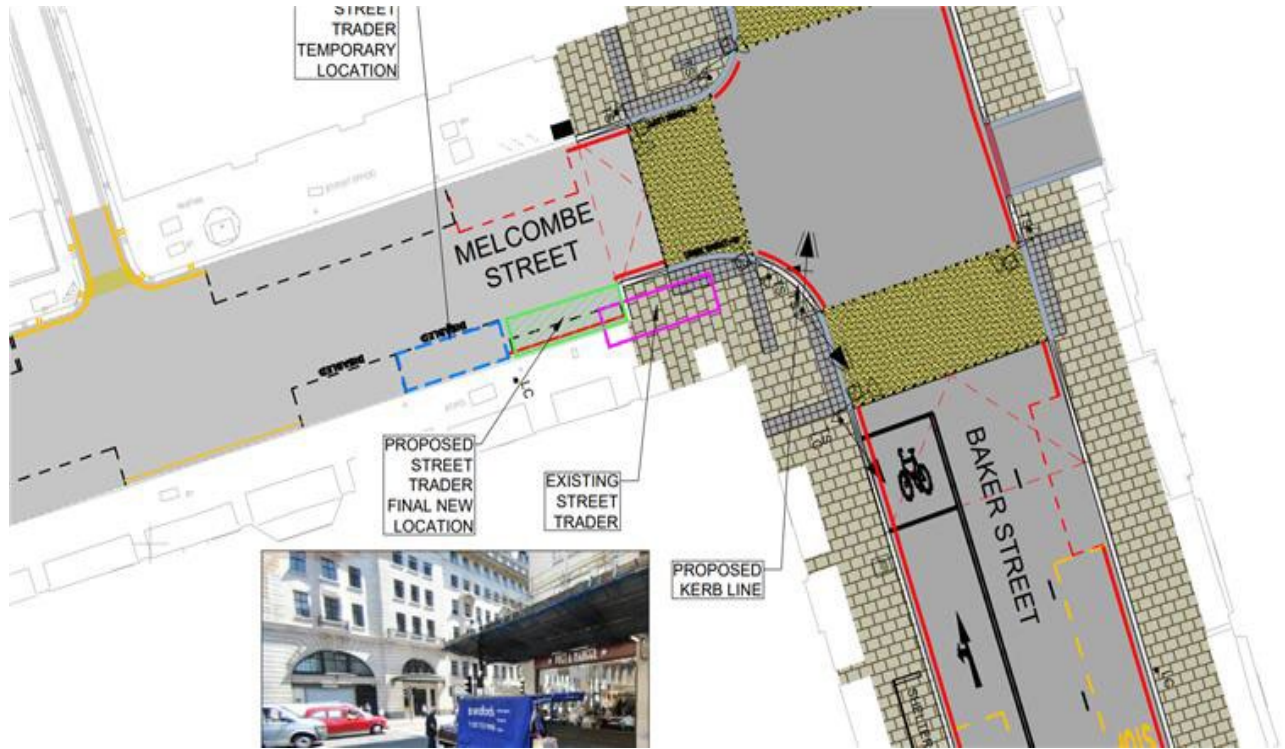
City of Westminster

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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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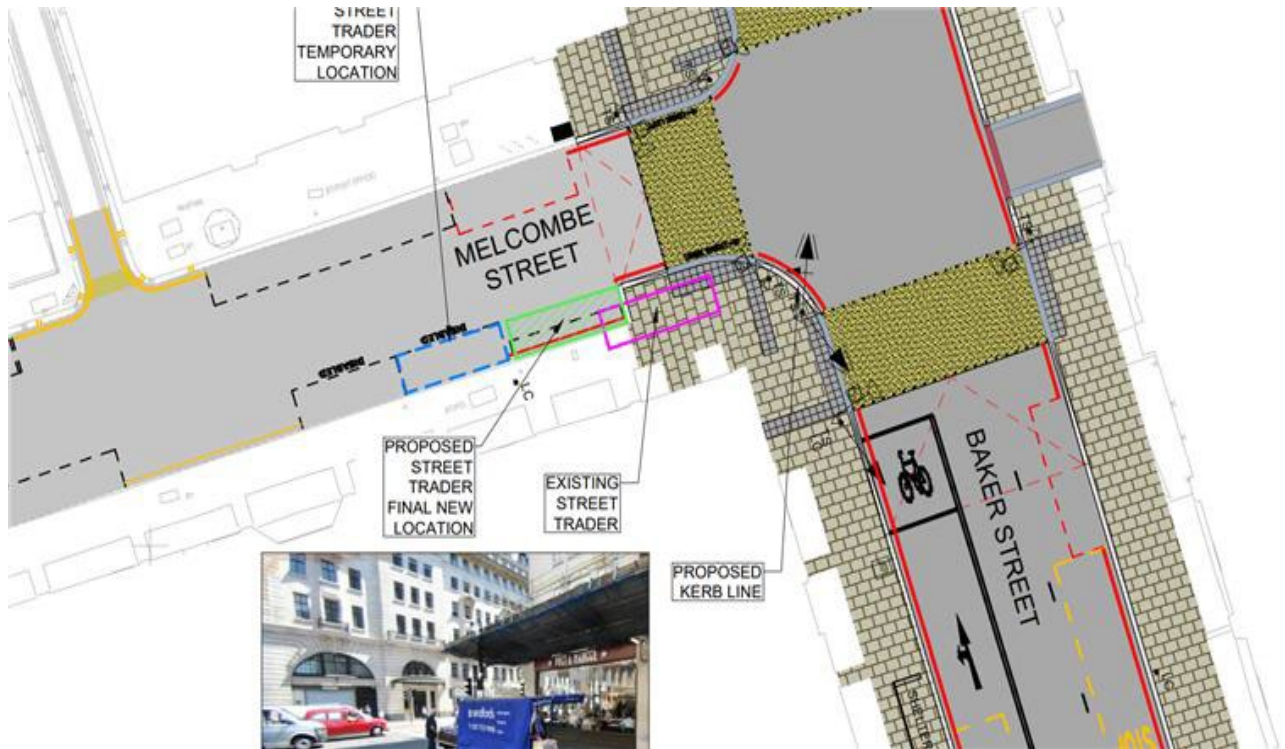
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Shannon Pring
Senior Practitioner Street Trading
Licensing Team



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,

Westminster City Council

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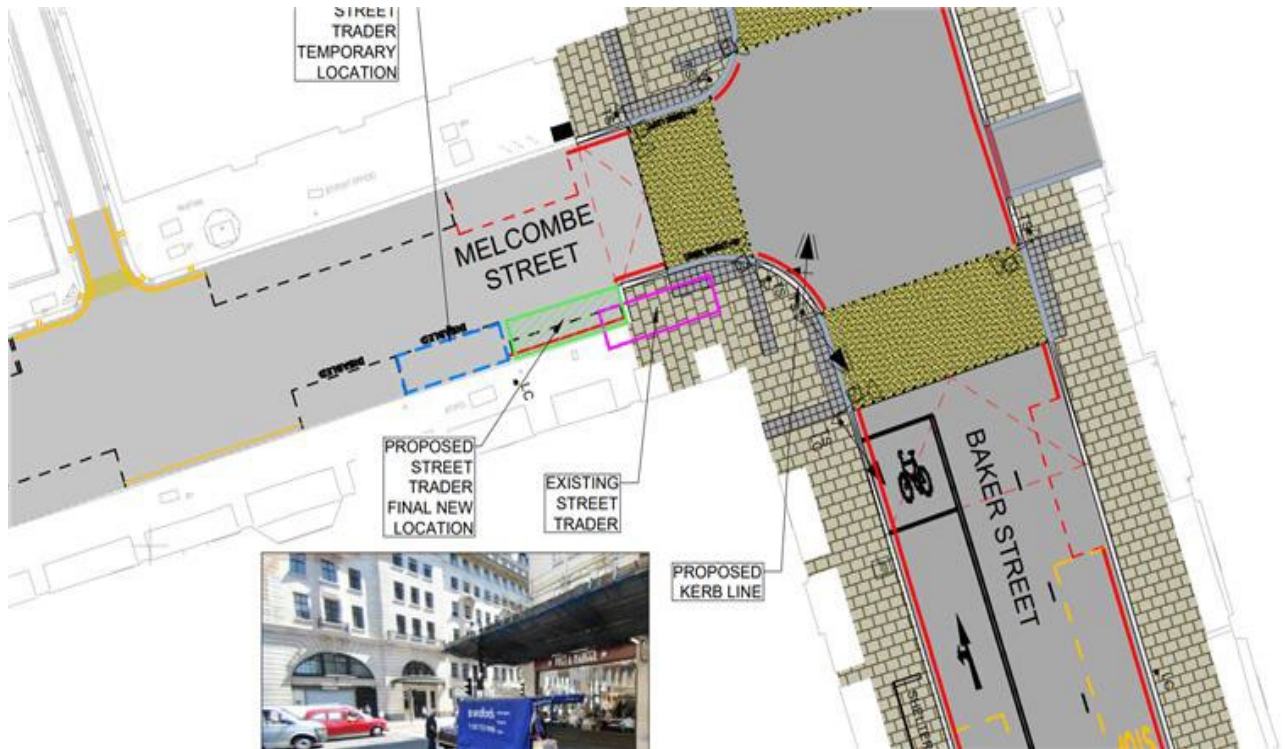
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**Shannon Pring
Senior Practitioner Street Trading
Licensing Team**



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