



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday, 28th January 2021**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members **Councillors:**

Tim Mitchell (Chairman)
Richard Elcho
Maggie Carman

If you require further information, please contact the Committee Officer, Toby Howes, Senior Committee and Governance Officer.

Email: thowes@westminster.gov.uk
Tel: **07815 663 854**
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 3028 BROADWICK STREET

(Pages 5 - 84)

Ward CIA*	Site Name & Address	Application Type	Licensing Reference No.
West End	Leanne Gellel Pitch 3028 Broadwick Street	Street Trading Licence – variation	05/04758/LI_STE
*Cumulative Impact Area			

2. PITCH 1640 HORSEFERRY ROAD

(Pages 85 - 94)

Ward CIA*	Site Name & Address	Application Type	Licensing Reference No.
Vincent Square	Isolated Pitch 1640 Horseferry Road Area 3 – Victoria Street, Millbank, Belgrave Square	Street Trading Licence – rescind designation	20/00472/RESCIN
*Cumulative Impact Area			

3. PITCH 1792 CHARING CROSS ROAD

**(Pages 95 -
110)**

Ward CIA*	Site Name & Address	Application Type	Licensing Reference No.
West End	Isolated Pitch 1792 Area 1 - Oxford Street, New Bond Street, Piccadilly	Street Trading Licence – rescind designation	20/09709/RESCIN
*Cumulative Impact Area			

**Stuart Love
Chief Executive
21 January 2021**

In considering applications for street trading licences under the City of Westminster Act 1999, the Sub Committee is advised of the following:

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster Statement of Street Trading Policy 2013.

STANDARD CONDITIONS

The Licensing Sub-Committee is required to have regard to the Standard Conditions prescribed by the City of Westminster pursuant to Section 10(1) of The City of Westminster Act 1999, that are applicable to Street Trading Licences as and from 04 January 2017.

1. Procedure for Virtual Hearings Held Under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

2. Accessing Virtual Hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

3. Final Submissions Before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically no later than **5.00 pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), must be submitted to the Licensing Service by **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: licensing@westminster.gov.uk

4. Rules During Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- 4.1. All parties wishing to participate in the hearing must register their wish to participate in the hearing and provide their email addresses to the Licensing Service at licensing@westminster.gov.uk no later than 12 noon on the Monday before the Thursday hearing is scheduled to take place.
- 4.2. All parties should join the virtual hearing at least 15 minutes before the advertised start time to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- 4.8. Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- 4.9. To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

5. Procedure

- 5.1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
- 5.5. Each party who has registered to speak, will be invited to make their representations and will be allowed a maximum of 10 minutes each. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
- 5.6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
 - (a) The applicant
 - (b) Responsible authorities
 - (c) Other persons
- 5.7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

- 5.8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
- 5.9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than 5 minutes each, in the following order:
 - (a) Responsible authorities
 - (b) Other persons
 - (c) The applicant
- 5.10. The Chairman shall then close the meeting and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
- 5.11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision ("Summary Decision") will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated: 14 January 2021

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Licensing Sub-Committee Report

Report No:

Date:

28 January 2021

Classification:

For General Release

Title of Report:

**Leanne Gellel
Pitch 3028
Broadwick Street**

Report of:

Director of Public Protection and Licensing

Financial summary:

None

Report Author:

**Shannon Pring
Senior Practitioner Street Trading**

Contact Details:

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

City of Westminster

Report to:	Date:	Classification: No
Licensing Sub-Committee	28 January 2021	For General Release
Title of Report:		Report of:
Variation of Street Trading licence (05/04758/LI_STE) to extend the trading hours to 00:00 to 23:59 Monday to Sunday inclusive		Director of Public Protection and Licensing

Wards Involved:	West End	Proposal	Determine whether the variation application (20/06910/LI_STP) should be granted or refused.
Licence Holder:	Leanne Gellel		

1. PURPOSE OF THE REPORT

1.1 The Sub-Committee is asked to decide whether the trading hours for street trading licence (05/04758/LI_STE) for Pitch 3028 Broadwick Street should be extended from 08:00 to 18:00 to 00:00 to 23:59 Monday to Sunday inclusive.

1.2 The Sub-Committee is also asked to decide whether, if minded to grant the variation application, to give consent for the licence holder to leave the kiosk in situ between consecutive trading periods as set out in standard condition 57 of the Standard Conditions Prescribed by Westminster City Council Pursuant to Section 10(1) of the City of Westminster Act 1999 that are applicable to street trading licences as and from 04 January 2017.

1.3 Leanne Gellel has held a permanent street trading licence (05/04758/LI_STE) on Pitch 3028 since at least 2005. A copy of the licence is attached as **Appendix 1**.

1.4 Location:

Pitch Designation: Broadwick Street, North side 10 feet west of Berwick Street, North of and backing onto lamp column and facing number 18 Broadwick Street.

Pitch Size: L: 2.74m W: 1.82m

Temporary designation: Opposite current location, situated outside 15 - 17 Broadwick Street south side, to the west of Berwick Street Market backed onto the existing electrical street cabinet and a bollard. The stall is to be placed facing to the East.

Current Trading Days

Monday	08:00 – 18:00
Tuesday	08:00 – 18:00
Wednesday	08:00 – 18:00
Thursday	08:00 – 18:00
Friday	08:00 – 18:00
Saturday	08:00 – 18:00
Sunday	08:00 – 18:00

Current Commodities

Gardening Equipment, Prints and Flowers

1.5 The standard conditions applicable to street trading licences are attached as **Appendix 2**.

2. Licence History

- 2.1 On 20 January 2020 Ms Gellel (the Applicant) submitted an application for the Approval of a Receptable Design.
- 2.2 On 15 July 2020, the Licensing Service approved the new receptable design but advised Ms Gellel that her application did not provide a reason for the receptacle to remain in situ overnight and as such did not waive standard condition 57. A copy of the email from Ms St Rose to Ms Gellel can be found at **Appendix 3** of the report.

3. Current Application Position

- 3.1 On 12 August 2020, the Applicant submitted an application to vary the licensable hours on her licence from 08:00 – 18:00 to 00:00 – 23:59 Monday to Sunday inclusive. The reason given by the Applicant for the amendment to the hours is that due to the current pandemic her clients would like her to be in and out of their businesses before they open to trade so she needs access to her receptacle out of normal trading days and times. This is to achieve a safer environment for all.
- 3.2 On 26th August 2020, Maxwell Koduah from Environmental Health Consultation Team submitted a representation to the variation application. On 28th August 2020, Mr Koduah submitted an amended representation. Mr Koduah's concerns regarding the application related to the following:
 1. The hours requested contravenes the hours of trading policy – ST7...
 2. The hours requested may have the likely effect of causing an increase in Public Nuisance within the area
 3. The hours requested may have the likely effect of affecting Public Safety within the area
 4. The hours requested may have the likely effect obstructing the highway within the area
 5. The hours requested is out of character neighbouring hours of business activity within the area.

A copy of Environmental Health's representation can be found at **Appendix 4** of the report.

- 3.3 On 23rd October 2020, Jonathan Green, City Inspector submitted a representation to the variation application. Mr Green's concerns regarding the application relate to the following:
 1. The Council's Statement of Street Trading Policy (the policy) states that licences will not be granted or varied beyond the hours of 08:00 and 23:00 unless there are exceptional circumstances. Mr Green states that he has not found any exceptional circumstances in the application to warrant the grant of the variation.
 2. The hours requested would likely increase public nuisance in the area. The council receives a large volume of noise complaints each year relating to deliveries and collections beyond 08:00 and 23:00 and any licence granted beyond these times would like increase noise from vehicle engines, opening and closing of vehicle doors etc.
 3. The hours requests would likely increase affect public safety in the area. Advice from Police in the policy state that trading from street kiosks late at night should be discouraged. Open kiosks tend to encourage people to loiter which can lead to public order offences and crimes such as pickpocketing. It is a specific objective of the council to prevent the gathering of crowds in the streets after 23:00 due to the propensity of crime and disorder.
 4. The hours requested would likely increase the obstruction of the highway for waste collection and recycling services by Council operators. The times for waste collection are set to coordinate with existing businesses and other activities in the area.
 5. The hours requested are out of character with the neighbouring hours of business activity within the area. This has the potential to increase footfall in the area and therefore increase noise and disturbance which will adversely impact on residents.

A copy of the City Inspector's representation can be found at **Appendix 5** of the report.

- 3.4 On 17 November 2020, the Applicant and her representative attended a virtual mediation meeting to discuss the application and for the parties to discuss their objections. This meeting was attended by parties from the Licensing Service, the City Inspectors and Environmental Health Consultation Team. The purpose of the meeting was for the responsible authorities to gain insight into why the Applicant wanted the extended hours and the proposed operation of her business if the application were to be granted. The Applicant advised that she does not intend to openly trade from her kiosk for the hours requested, she only needs access to her kiosk to enable her to prepare and collect orders for clients in the area that have requested that she attend their building outside of working hours due the current pandemic.
- 3.5 The Applicant was advised by Miss Pring of the Licensing Service, that if that is the proposed operation then the licence would not need to be amended as the hours on the licence relate to the hours of trading and as such she should submit further information amending her application to clarify the situation. However, it was reiterated that the Applicant would require planning permission for her kiosk to remain in situ as without planning permission the Licensing Service would be unable to give consent for the kiosk to remain after hours of trading as per standard condition 57.
- 3.6 Although the applicant's submissions in the meeting went some way to alleviating the City Inspectors concerns around public safety, it did not completely dispel their concerns about public nuisance and causing an obstruction to waste collection and cleansing in the area.
- 3.7 At the conclusion of the meeting, the Applicant agreed to submit further information clarifying the application position and providing additional context around her proposed operation and why she needs to access her kiosk during the times requested. In an email after the mediation meeting, the Applicant's representative confirmed that the Applicant would not be amending her application.
- 3.8 Without the submission of this updated information, the Licensing Service asks the Committee to consider the application as originally applied and as such the original representations received from the responsible authorities. Notwithstanding any information that is submitted by the Applicant in preparation for and during the sub-committee hearing.

4. Licence Holder Submissions

- 4.1 The Applicant's representative has sent a number of emails in relation to the application. The specific points raised are set out below:
- (a) The Applicant and her representative believe that the street trading policy and standard conditions are in direct contravention of Section 21 of The Provision of Services Regulations 2009 specifically that neither the policy nor the standard conditions have been affected with the authority of Parliament.

Paragraph 21 of the Provision of Services Regulations 2009 states;

Prohibited requirements

21.—(1) A competent authority must not make access to, or the exercise of, a service activity subject to any of the following—

(e) the case-by-case application of an economic test making the granting of authorisation subject to—

- 1. (i) proof of the existence of an economic need or market demand,*
- 2. (ii) an assessment of the potential or current economic effects of the activity, or*
- 3. (iii) an assessment of the appropriateness of the activity in relation to the economic planning objectives set by the competent authority;*

- (a)(i) The Licensing Service disagrees with the Agent's interpretation of the legislation as it is prescribed within the City of Westminster Act 1999 that the Licensing Service can prescribe standard conditions that apply to all street trading licences and sets out the full process for doing this. This process will have been complied with when the current standard conditions were drafted and approved in 2017.
- (a)(ii) Furthermore, the current policy will have gone through consultation before being given committee approval and all street traders affected will have been given the opportunity to comment on the policy consultation. The policy is a document that is provided to the traders and all other stakeholders that sets out clearly how the officers in the service will be guided when commenting on and subsequently determining applications and as such it is for the Agent to set out how the Applicant's application is an exception to the Hours policy for the Members to determine whether or not the application should be granted.
- (b) The second point raised by the Agent is that the Applicant has been advised that she needs to apply for planning permission in order for her kiosk to remain in situ as is sought. However, he states that there is a number of current isolated pitch traders within the Borough who do not have the required planning permission but leave their kiosk in situ overnight. The Agent has asked for a review of all of the isolated pitches to be completed to demonstrate how many other traders are leaving their kiosks in situ without having planning permission in place.
 - (b)(i) This was a review that was scheduled to take place in 2020 but due to reduced resources in the team and the wider service's Covid response it has meant that this task has been delayed and is not available to provide ahead of the hearing. The Licensing Service acknowledges that there are likely other traders that are operating outside of the correct permissions, but these will be dealt with by the relevant enforcement teams when resources are available to do so. It has no bearing on the current application.
- (c) The final point raised by the Agent is Section 7 of the Street Trading Policy that is being relied upon by the responsible authorities in their representations – specifically the Hours for Trading Policy.
 - (c)(i) The City Inspector and Environmental Health Officer have considered section 7 of the policy when assessing this application and have found that currently the application falls outside of the policy hours which are 08:00 and 23:00 unless there are exceptional reasons to do so. It is the view of the responsible authorities that neither the Applicant nor the Agent have provided any reasons for why the application should be considered as an exception to the policy. The Agent has repeatedly requested the specific police information that the responsible authorities are relying. Unfortunately, the Licensing Service does not have access to the information that the Agent has requested and despite repeated requests has been informed that the responsible authorities have not specifically sought police advice, the advice that was sought during the curation of the policy prior to 2013.

The Applicant's initial submissions can be found at **Appendix 6** of the report.

- 4.2 The Agent has provided a number of attachments to be included in the submissions and has confirmed that detailed submissions will be provided for the hearing; however, these will not be in time to be included in the report. The attachments provided by the Agent are as follows:
- a) Images of the proposed kiosk
 - b) List of Licensing Act 2003 premises that are within 75m of Said, 41 Broadwick Street
 - c) Court Judgment for the Pitch 1632 Piccadilly
 - d) Counsel Opinion relating to Pitch 1632 Piccadilly
 - e) Licensee Planning Consent – Table of Isolated Pitches within Westminster
 - f) 3 Images of the Licence Holder's current kiosk
 - g) Definition of Sui Generis
 - h) Letters from Applicant's clients

5. Statement of Street Trading Policy 2013

5.1 7 Hours of trading - POLICY ST7

The licensing authority will allow licence holders to operate subject to the following operating hours criteria.

Criteria

7(1) In the case of street markets, permanent traders shall have arrived at their pitches, put their stalls in position and started setting up by the following times: -

Church Street 09:00

Berwick Street 10:00

Rupert Street 10:00

Strutton Ground 11:00

Tachbrook Street 10:00

7(2) If the market pitch is not utilised by the licensed trader by the above time without the prior approval of the Council or its representative, the Council may at its discretion re-let the pitch for that day.

7(3) All market traders shall have commenced trading, with all goods contained within the pitch area within one hour after the time shown above and in the case of Strutton Ground all traders' vehicles shall be out of the market by 11:30.

7(4) Traders shall not commence setting up their pitches before 07:00, except Sundays, when it shall be 08:00.

7(5) Trading hours for other types of street trading covered by this policy will be set on the basis of promoting the following purposes:

- (a) Preventing crime, disorder and anti-social behaviour
- (b) Avoiding public nuisance
- (c) Protecting public safety
- (d) Preventing obstruction of the highway
- (e) Location and neighbouring hours of business activity

7(6) Licences will not be granted or varied beyond the hours of 08.00 to 23.00 unless there are exceptional circumstances and to do so would promote the purposes set out in 7(5), above.

7(7) Where an applicant seeks a start or end time outside these hours, this will be decided by the licensing service. In the event of a dispute, the matter will be referred to the Licensing Sub-Committee or Licensing Officer Panel for determination. The Police and Environmental Health will be consulted.

7(8) Licences may be granted or varied for shorter periods within these times where, as it appears to the licensing authority, to do so would promote the purposes of 7(5), above. Hours of trading may be variable depending upon the

day of the week, for the promotion of the same purposes. This does not apply to street markets or exhibitions.

7(9) Subject to 7(5) and 7(6) above, licences will generally be granted having regard to the operating hours of other retail outlets in the vicinity.

7(10) Other factors to be taken into account when granting or varying hours of trading pertaining to any licence include:

- (a) The ability to service the pitch (to stock and re-stock)
- (b) Time needed to set up and take down the street trading stall

7(11) Specific arrangements relating to time allowed for set-up and take-down of stalls by permanent traders, as well as those for temporary traders are detailed in the conditions pertaining to street trading licences. Permitted times for vehicular access are specific to each market and some isolated pitches.

Reason for policy

7(12) In general, street trading activity should cease in line with other retail activity in the same vicinity and in any case no later than 23.00 unless there are exceptional reasons not to do so. In this way, the rules for street trading are maintained in line with those for other retail premises and nuisance to local residents is kept to a minimum.

7(13) Advice from the Police is that trading from street kiosks late at night should be discouraged. Open kiosks tend to encourage people to loiter which can lead to public order offences and crimes such as pick-pocketing. It is a specific objective of the council to prevent the gathering of crowds in the streets after 23.00⁷ due to the propensity of crime and disorder as well as additional noise and disturbance associated with late night uses which may have an adverse impact upon local residents. Furthermore, consumption of food can lead to food waste and litter on pavements, frustrating the efforts of the council's cleansing services.

Stall design - POLICY ST1

5.2 *Isolated pitches (semi-permanent)*

1(6) Planning permission will be required for all stalls not removed at night. Stalls that meet the following descriptions will be likely to be considered acceptable in design terms in suitable locations.

6. Standard Conditions

6.1 If granted, the variation application will breach standard condition 57 which states:

“Unless trading on Rupert Street, the licence holder shall remove their stall and goods from the public highway to the place of storage, as stated on the application form or such other alternative place subsequently agreed by the Council in writing, within one and a half hours of either the time prescribed on the licence for the end of trading on that day or the time trading actually ceases (whichever is the earlier) unless prior consent has been granted by the Council for a later removal time or for the receptacle to remain in situ between consecutive trading periods.”

If the Committee is minded to grant the application, the Licensing Service requests that it also grant consent for the kiosk to remain in situ between consecutive trading periods.

7. Legal Framework

7.1 Section 6(2) of the City of Westminster Act 1999 ('the Act') provides:

Subject to the provisions of this Act, the council may also at any time vary a street trading licence on application by the licence holder in accordance with his application.

7.2 Section 18(1)(c) of the City of Westminster Act 1999 provides a statutory right of appeal against a decision of the council to vary a street trading licence. Appeals should be made to a magistrates' court acting for the area in which the street trading pitch is situated.

8. Recommendation

8.1 That, subject to consideration of any additional submissions by the licence holder, the Licensing Authority recommends that the Committee refuse the variation application as applied.

8.2 That, subject to consideration of any additional submissions by the licence holder, the Licensing Authority recommends that the Committee grant the variation application on the basis that an informative is attached to the licence that the Applicant should apply for the relevant Planning consent for the kiosk to remain in situ overnight.

9. Options

9.1 The Sub-Committee is asked to decide whether:

- (i) to grant or refuse the application to vary the trading hours of the licence from 08:00 to 18:00 to 00:00 to 23:59 Monday to Sunday inclusive and if so, give the applicant consent for the kiosk to remain in situ between consecutive trading periods.

10. Other Relevant Information

10.1 Street Trading Charges

According to council's records Ms Gellel is up to date with payments and at the time of the report, there are no outstanding debts.

10.2 Attendance at Pitch

Ms Gellel's attendance appears to be regular, there are no reports indicating otherwise.

List of Appendices

Appendix 1	Street Trading Licence Plate
Appendix 2	Street Trading Licence Standard Conditions
Appendix 3	Email from Rebecca St Rose to Applicant dated 15th July 2020
Appendix 4	Environmental Health Representation dated 26th August 2020
Appendix 5	City Inspector Representation dated 23rd October 2020
Appendix 6	Applicant Submissions
Appendix 7	Applicant further submissions

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

Background documents to the report including

- City of Westminster Act 1999
- Rules of Procedure for Licensing Sub Committee
- Statement of Street Trading Policy 2013



1. THE WESTMISTER CITY COUNCIL hereby grants to Ms L Gellel

A licence to engage in street trading in the City of Westminster on Market Pitch 3028

2. This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the Schedule to the licence and is granted subject (1) to the standard conditions made under Section 10(1) of the City of Westminster Act 1999; (2) to any Act amending the same and to any Orders made thereunder; and (3) to any other statutory enactment which is in force for the time being.

3. This licence shall remain in force until it is cancelled or revoked by the Council.

Dated this: 12 April 2002

pp.

DIRECTOR OF CITY STANDARDS
AND LICENSING DIVISION

SCHEDULE

Class of Articles	P: FLOWERS, PLANTS & GARDENING EQUIPMENT						
Street	3028 BROADWICK STREET						
Position or Place at which the holder may trade	BROADWICK STREET, NORTH SIDE 10 FEET WEST OF BERWICK STREET, NORTH OF AND BACKING ONTO LAMP COLUMN AND FACING NUMBER 18 BROADWICK STREET.						
Size of Receptacle	L 9' W6'						
Day	MON	TUE	WED	THUR	FRI	SAT	SUN
From Time	08:00	08:00	08:00	08:00	08:00	08:00	00:00
To Time	18:00	18:00	18:00	18:00	18:00	18:00	00:00

FURTHER CONDITIONS



City of Westminster

STANDARD CONDITIONS PRESCRIBED BY THE WESTMINSTER CITY COUNCIL PURSUANT TO SECTION 10(1) OF THE CITY OF WESTMINSTER ACT 1999 THAT ARE APPLICABLE TO STREET TRADING LICENCES AS AND FROM 04 JANUARY 2017

Definitions

In the conditions unless the context otherwise requires the following expressions shall have the following meanings:

- (i) “Street Trading” shall have the meaning ascribed in Section 2 of the City of Westminster Act 1999
- (ii) “The Council” means the Westminster City Council.
- (iii) “Licence holder” means the person who is licensed under Section 9 of the City of Westminster Act 1999 to carry-on street trading.
- (iv) “Advertisement” means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.
- (v) “Awning” means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.
- (vi) “Counterfeit” means any goods bearing a mark identical to or likely to be mistaken for a registered name, mark or logo which has been produced without the authorisation of the registered trade mark holder.
- (vii) “Electrical Supply” means either an electrical supply in the vicinity of a licensed pitch that is accessible through an electricity supply point provided by the Council or an electrical supply of a nearby premises.
- (viii) “Goods” means any goods, wares, merchandise or other articles that are offered, displayed or exposed or possessed for sale or supply on a stall.

- (ix) "Licensed street trading pitch" means a pitch in any street authorised as a place at which a licence holder may engage in street trading, and includes any temporary alternative place approved by the Council or a duly authorised officer of the Council.
- (x) "Pitch Limits" means the authorised ground markings defining the area within which a street trading stall is to be contained.
- (xi) "Premises" means any business, residential or vacant premises immediately behind the licensed pitch.
- (xii) "Receptacle" or "Stall" means any structure occupying a licensed street trading pitch that is used by the licence holder for the display of goods or in connection with his or her business and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. On "isolated pitches" this also includes all refuse created as a result of the business except when it is left outside of the pitch in accordance with the waste collection scheme for the pitch.
- (xiii) "Refuse" includes any waste material.
- (xiv) "Registered Assistant" or "Assistant" means a person who the licence holder has registered with the Council as an assistant to assist them in the business of the stall.
- (xv) "Service" means a service offered for gain or reward.

Change of Details

- 1 The licence holder shall notify the Council in writing of any permanent change of their name, address, telephone number and/or e-mail address within 7 days of the change occurring.

Storage

- 2 The licence holder shall provide suitable and adequate premises for the storage of their receptacle when trading is not taking place.

The licence holder shall provide suitable and adequate provision for the storage of any perishable goods whilst at the licensed pitch, transporting the goods to/from the licensed pitch and away from the licensed pitch when trading is not taking place.

The licence holder shall notify the Council in writing of any change of address or addresses at which the stall and perishable goods are stored when trading is not taking place within 7 days of the change occurring.

- | | | |
|------------------------------|----|---|
| Registered Assistants | 3 | At any one time, the licence holder shall have no more than three assistants registered with the Council per licensed pitch. |
| | 4 | The licence holder shall provide the Council with written notification of any change in the name, address and/or telephone number of any of their registered assistants within 7 days of the change occurring. |
| | 5 | The licence holder shall notify the Council in writing if a registered assistant ceases to work for them within 7 days of them ceasing. |
| Supervision of Stall | 6 | No trading shall take place unless the licence holder or a registered assistant is present on the stall. |
| | 7 | All registered assistants shall carry photographic identification, such as their Passport, Photo-card Driving Licence or National Identity Card, when working under this licence. The assistant shall produce their photographic identification for inspection by a Council Officer on request. |
| Days and Times | 8 | Trading shall only take place on the days and during the times specified on the licence. |
| Trading Location | 9 | Trading shall only take place at the location stated on the licence or other such temporary location agreed with the Council. |
| Commodities | 10 | Only those goods specified on the licence shall be sold, offered for sale, displayed or exposed for sale, and only those services specified on the licence shall be supplied or offered for supply on the licensed street trading pitch. |
| | 11 | The licence holder shall ensure that there are no counterfeit goods present on the pitch or in any associated storage facilities. |
| | 12 | The licence holder shall keep a record of the name, address and contact number of the suppliers of their goods so that for any item on their pitch, the supplier can be contacted if required. The suppliers' contact details shall be provided to a Council Officer on reasonable request. |

- Nature and Type of Receptacle**
- 13 The licence holder shall only trade from a receptacle that has been approved by the Licensing Service and that is set-up in accordance with the approved design and layout. The licence holder shall maintain their receptacle to minimise any deterioration in its appearance following the approval by the Licensing Service and shall remove any defacement from their receptacle as soon as is reasonably practicable.
- 14 Receptacles used for the sale of food shall be maintained and regularly cleaned to ensure that food is protected from risk of contamination.
- Insurance**
- 15 The licence holder shall have third party public liability insurance cover that is effective throughout the time that the licence is in effect that covers the licence holder and all registered assistants whilst working on the stall. The insurance cover shall have a minimum liability of £2,000,000 or to the cover mutually agreed between the Council and the relevant licence holder's Association.
- 16 No trading shall take place unless a copy of the current public liability insurance certificate or other similar evidence that proves the existence of the effective policy is available on the stall. The copy of the insurance policy certificate, or similar evidence, shall be made immediately available for inspection by a Council Officer on request.
- Commencement Times**
- 17 **Bayswater Road and Green Park Exhibitions**
Licensed exhibitors shall not begin setting up their pitches before 7am but shall have their exhibits in place no later than 10.30am on the days that they are licensed to trade.
- All Other Pitches**
The licence holder shall not commence setting up their pitch before 7am on weekdays & Saturdays or before 8am on Sundays.
- When trading at the following location, the licence holder shall have arrived at their pitch, put their stall in position and started setting up by the following times:
- | | | |
|------------------|---|---------|
| Bell Street | : | 09.00am |
| Church Street | : | 09.00am |
| Berwick Street | : | 10.00am |
| Maida Hill | : | 10.00am |
| Rupert Street | : | 10.00am |
| Strutton Ground | : | 11.00am |
| Tachbrook Street | : | 10.00am |

- The licence holder shall have commenced trading with all goods contained within the pitch area within one hour of the times set out above.
- Size and Set-up of Stall**
- 18 The trading area shall not exceed the dimensions specified on the licence and where applicable, any pitch limits marked on the ground, except during immediate re-stocking of the stall. The width of the pitch at the Bayswater Road and Green Park Exhibition shall be eighteen inches from the back edge of the footway.
- All goods, containers and other articles shall be contained within the licensed pitch area and height and shall not project beyond.
- 19 The licence holder shall not connect any part of their stall, advertisements or goods for sale to any other stall or to any electricity bollard, socket pillar, lamp post or other street furniture, except for an electric cable connected to an electrical supply point.
- 20 No barriers shall be used on or around a licensed pitch unless specific consent for their use has been obtained from the Council
- Head Room**
- 21 **At the Bayswater Road and Green Park Exhibitions** awnings with a minimum height of 6 feet 6 inches and a maximum height of 9 feet shall be permitted provided they are made of soft materials. The maximum forward projection of such awnings over the footway shall be 3 feet 6 inches at the Green Park Exhibition and 3 feet at the Bayswater Road Exhibition. No awning shall come within 3 feet of the kerb.
- Display of Licence Plate etc.**
- 22 The licence holder shall keep the licence or a copy of the licence that has been certified by a solicitor or notary as a true copy of the original licence and a copy of the conditions on the stall at all times that they are trading. Where the licence holder leaves a registered assistant in charge of the stall, the assistant shall keep the licence and a copy of the conditions on the stall whilst trading. The licence and conditions shall be made available for inspection by a Council Officer on request.
- 23 The licence holder shall, at all times that they are trading, display a plate supplied by the Council indicating the licensed pitch number of the stall. This plate shall be kept prominently exhibited on the stall together with the name or business name of the licence holder.

Pricing

24 The licence holder shall ensure that all goods displayed on the pitch, save for works of art or antiques, are priced in such a manner that customers can determine their price without assistance from the licence holder.

Notices & Advertisements

25 All advertisements shall be located within the licensed pitch and shall occupy no more than 10% of the surface area of each side of the stall. Advertisements on low screens, aprons or valances below table top level shall occupy no more than 10% of each panel.

26 The name of the stall and goods or services on offer shall only be displayed:

(i) In the case of a kiosk or mobile stall, on a frieze or similar designed high-level place that is equivalent to a fascia sign on a shop front.

(ii) In the case of a gazebo, tensioned stall roof or umbrella with a valance, on the valance or on a board inside the stall.

27 No advertisement shall be displayed on the licensed pitch that relates to any goods, commodities or services other than those offered for sale or provided on that pitch.

28 No advertisements comprising of three-dimensional representations of products (such as, but not limited to, replica ice cream cones, coffee cups or chocolate bars), shall be displayed on the stall.

29 No free-standing advertisements shall be located outside of the pitch area.

30 No A-board or other free-standing advertisement shall be located within the licensed pitch unless it is part of the stall design that has been approved by the Council.

31 No notices shall be displayed in the licensed pitch that would restrict a consumer's statutory rights, such as "No refunds" or "No returns".

32 **Bayswater Road Exhibition only – Own Work**

Subject to any personal dispensation which may have been granted to individual licence holder, the licence holder shall display a notice indicating that all works of art and craft on display or for sale are entirely the original works of the licence holder for that pitch. This notice shall be displayed in a prominent position so that it may easily be read by potential customers at all times that the licence holder is trading.

For avoidance of doubt, the reference to original work shall not include copies or prints or reproductions of any kind.

**Licence Holders'
Vehicle**

33

Markets

When trading on the Berwick Street, Maida Hill, Rupert Street, Strutton Ground and Tachbrook Street markets, the licence holder shall remove their vehicles, unless they are the licensed receptacles, and all other items used for the setup of the stall by the time prescribed in any relevant traffic management order for the pedestrianisation of the street.

When trading on the Church Street market, the licence holder shall remove their vehicles, unless they are the licensed receptacles, and all other items used for the setup of the stall by 10 am.

Prior to the time prescribed in the relevant traffic management order for the pedestrianisation of the street or 10am in the case of the Church Street market, the licence holder shall not leave their vehicle in the street in which they trade unless the vehicle is:

- i) the licensed receptacle;
- ii) parked in approved parking spaces such as meter bays; or
- iii) temporarily parked for the purpose of loading and unloading goods during the set-up of the stall.

Loading and unloading shall be carried out as quickly as possible and the vehicle shall be removed immediately on completion.

The licence holder shall not return their vehicle to the market until 4pm or the time period prescribed in the relevant traffic management order for the pedestrianisation of the street has ended, whichever is later.

Other Licence Holders

When parking restrictions are in force, the licence holder shall not leave his vehicle in the street in which he trades unless the vehicle is:

- (i) the licensed receptacle;
- (ii) temporarily parked for the purpose of loading and unloading goods during the set-up of the stall; or
- (iii) parked in approved parking spaces such as meter bays.

Loading and unloading shall be carried out as quickly as possible and the vehicle shall be removed immediately on completion.

Sale of Food

34 No trading shall take place that involves the sale of food unless the licence holder is complying with all current food safety and food standards legislation.

35 If authorised to sell food, the licence holder shall provide a First Aid box on their stall that is readily available for use at all times that they are trading.

Health & Safety

36 The licence holder must ensure the safety of themselves and other users of the market and must comply with all relevant and current legal requirements for health and safety (including, but not limited to, those relating to electrical, gas and fire safety).

Safety of Equipment

37 Heat producing equipment (e.g. braziers) shall be so placed within the trading area as to offer maximum safety to the public. The position of such equipment in relation to other goods or materials shall be agreed with the Council's officers.

Services and Amenities

38 Where an electrical supply has been provided by the Council for use by the licence holder:

- (i) No electrical supply other than that provided by the Council shall be used by the licence holder on the stall;
- (ii) The licence holder shall ensure that all electrical equipment in use on the stall is compatible with the electrical supply and does not either individually or in combination, exceed the rating (maximum amperage) of the supply;
- (iii) The licence holder shall be liable for the fees incurred in their use of the electrical supply and shall pay all such fees within 4 weeks of them becoming due;
- (iv) The licence holder and their assistant(s) shall take care when using or working nearby any electrical supply point. The licence holder shall be liable for any costs incurred in repairing electrical supply points due to their or their assistants' reckless behaviour or deliberate misuse of the electrical supply.

- 39 The licence holder shall only use the electrical supply of a premises where no electrical supply point is provided by the Council. In such cases:
- (i) the licence holder shall obtain the written consent of the bill payer and the Council in advance of connecting to the supply;
 - (ii) all supply lines shall be overhead with clearance of at least 2.6m and no cables shall be trailed along the ground;
 - (iii) the licence holder shall ensure that their supply lines are securely installed and suitably protected from damage and water ingress.

- 40 A generator shall only be used where no electricity supply has been provided by the Council and the Council has given consent for the use of a generator by the licence holder. In such cases, no petrol-powered generator shall be used. The generator shall be located within the licensed pitch and so positioned that:
- (i) it is not accessible by the public and does not present a danger to the passing public;
 - (ii) It is kept away from combustible materials and is provided with adequate ventilation;
 - (iii) it does not present a fire or similar hazard risk to the stall or goods displayed thereon; and
 - (iv) it does not cause any noise or fume nuisance.
- When refuelling fuel tanks, the generator shall be switched off, all persons shall be moved away from the generator and a fire extinguisher shall be positioned near to the generator.

Only one fuel-can with a capacity of no more than 5 litres shall be stored in the licensed pitch at any one time. It shall be of an approved type for carrying fuel oil. The can shall be stored away from any possible heat source.

Electrical Safety

- 41 All electrical connections shall comply with the current edition of the Institute of Engineering & Technology (IET) Wiring Regulations. The equipment shall be constructed and maintained to prevent danger in compliance with the Electricity at Work Regulations 1989, or any Act/Regulations amending or replacing the same. Appropriate safety devices such as 30mA Residual Current Devices shall be used where necessary, particularly where the electrical equipment will be exposed to adverse conditions or will be used in association with hand held devices.

Gas Safety

The licence holder shall arrange for all electrical equipment to be inspected by a competent person at appropriate intervals and shall retain the most recent certificate of inspection on the stall at all times that they are trading. The certificate shall be made available for inspection by a Council Officer on request.

42 The licence holder shall ensure through a system of checks and testing that all gas appliances, flues, pipe work and safety devices are maintained in a safe condition and shall make a visual inspection of these prior to them commencing trading on any day.

The licence holder shall arrange for all gas appliances, flues, pipe work and safety devices to be inspected by a competent person at appropriate intervals and shall retain a copy of the most recent certificate of inspection on the stall at all times that they are trading. The certificate shall be made available for inspection by a Council Officer on request.

43 All LPG cylinders, regulators and change-over devices shall be located in the open air or housed in a separate well ventilated, fire-resistance compartment. Any such compartment shall be ventilated at low level to the external air and shall have an exclusive access from outside the receptacle to enable safe access to shut off the cylinders in case of fire. The compartment shall be clearly marked "LPG – Highly Flammable – No Smoking".

Cylinders shall be stored well away from drains, waste water pits and soak-a-ways and shall be protected from tampering and/or accidental damage. Pipes, fittings and fixtures shall be provided with appropriate compression crimped joints. No slip-on rubber hosing shall be used without means of securing them and no hosing secured by work-drive "jubilee clip" type fittings shall be used.

Fire Safety

- 44 No trading shall take place unless adequate fire fighting equipment is provided on the stall that is appropriate for the goods on sale, equipment in use and size of the stall. The licence holder shall provide as a minimum:
- (i) a Class A fire extinguisher of at least 4.5ltrs if they are authorised to sell non-food commodities;
 - (ii) a fire blanket and a Class B extinguisher (Foam or Dry Powder, as appropriate) of at least 4kg/4lt size if they are authorised to use cooking facilities;
 - (iii) a class F type fire extinguisher if they are authorised to use a deep fat fryer;
 - (iv) a dry powder or carbon dioxide fire extinguisher with a capacity of 4kg if they have received consent from the Council to use a generator.

The licence holder shall ensure that all fire fighting equipment has been adequately tested by a competent person and is in good working order.

- 45 The licence holder shall be familiar with the operation of their fire safety equipment and shall position it on the stall so that it is readily available for use at all times that they are trading.

- 46 The licence holder shall ensure that their assistants are all aware of what to do in the event of a fire.

- 47 The licence holder shall keep the pitch clean and tidy and shall avoid a build-up of combustible materials.

Conduct

- 48 The licence holder and their assistants shall treat the public and Council Officers fairly and with courtesy.

- 49 The licence holder and their assistants shall not engage in any criminal activity or anti-social behaviour and, in particular, shall not engage in the following at the pitch:

- (i) Indecent behaviour towards the public or other licence holders;
- (ii) Acts of violence against any person (including other licence holders) or property and/or the attempt or threat of such acts;
- (iii) Verbal abuse and/or aggression displayed towards any person;
- (iv) Intimidation of any other licence holder;
- (v) Touching, moving or interfering with another licence holder's stall.

Assistance to Council Officers	50	The licence holder and their assistants shall give every assistance to Council Officers in carrying out their duties.
Radios, Etc.	51	The licence holder shall not use or permit to be used on the licensed area or within the immediate vicinity any radio or other equipment or apparatus to produce music or other amplified sound except at a reasonable level within a closed vehicle or where specific consent has been provided by the Council for the use of such equipment in prescribed circumstances and the equipment is used in those circumstances.
Damage	52	The licence holder shall not intentionally permit their stall or accessories to cause damage to the carriageway or footway and shall leave the trading pitch in a clean condition at the end of each trading period.
Refuse	53	The licence holder shall ensure that all refuse arising as a result of their activities, including waste water and oil, is placed in suitable covered containers that are kept exclusively for that purpose and that are approved by the Council. Such refuse containers shall be provided by the licence holder, unless otherwise provided by the Council, and shall be kept as clean as is reasonably possible.
		NOTE: This condition shall not apply to licence holders at the Bayswater Road Exhibition and Green Park Exhibition unless the Council requires it in any particular case.
	54	Refuse containers for any non-liquid waste shall be emptied whenever necessary into any vehicle, container or compactor provided by the Council for that purpose. Refuse containers for waste water and oil shall be removed by the licence holder at the end of their trading period for disposal.
Removal	55	The licence holder or their assistants shall remove the stall and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties when reasonably required to do so by a duly authorised officer of the Council, a police officer or an officer of any other emergency service.

- 56 When trading on the Church Street, Berwick Street, Maida Hill, Rupert Street, Strutton Ground or Tachbrook Street markets, the licence holder shall not remove their receptacle from the licensed pitch until 4pm on any day that they are trading, unless they are required to do so by a Council Officer or an Officer of an emergency service.
- 57 Unless trading on Rupert Street, the licence holder shall remove their stall and goods from the public highway to the place of storage, as stated on the application form or such other alternative place subsequently agreed by the Council in writing, within one and a half hours of either the time prescribed on the licence for the end of trading on that day or the time trading actually ceases (whichever is the earlier) unless prior consent has been granted by the Council for a later removal time or for the receptacle to remain in situ between consecutive trading periods.

If trading on Rupert Street, the licence holder shall remove their stall and goods from the public highway to the place of storage, as stated on the application form or such other alternative place subsequently agreed by the Council in writing, no later than 6.30pm.

Informatives

(These are provided for information and do not form part of the standard conditions)

General

- 1 The grant of a street trading licence shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than Section 9 of the City of Westminster Act 1999.

For the avoidance of doubt this includes the requirement to seek and obtain planning permission and/or advertisement consent.
- 2 The marginal subtitles inserted in these conditions are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.
- 3 These conditions may be dispensed with or modified by the Council in any individual case by means of a licence variation in accordance with the statutory requirements.

- 4 Where in these conditions there is reference to the consent or agreement of the Council, a licence holder may make a request in writing to the Licensing Service for such consent or agreement. Where any such consent or agreement is given, it may on such terms and conditions and subject to such restrictions as may be so specified.
- 5 If a licence holder wishes any of the terms of a licence to be varied or the Council's agreement under these rules application must be made in writing to the Council in accordance with the statutory requirements.
- Supervision of Stall** 6 It is the obligation of the licence holder to make full personal use of the street trading licence which means that the licence holder must personally attend at the stall during the hours and on the days that the licence authorises street trading to be carried on. A registered assistant can be present when the licence holder is temporarily unable to attend at the stall or if the licence holder can provide exceptional reasons as to why he or she was unable to be present for a longer period but a failure to make full personal use of the licence is a ground for revoking the street trading licence in its own right.
- Advertisements** 7 No illuminated advertisement shall be displayed on the outside of the stall or kiosk without an express consent under the Town and Country Planning (Control of Advertisements)(England) Regulations 2007
- Re-letting of Pitches** 8 If the pitch is not utilised by the licence holder by the times set out in the standard conditions without the prior approval of the Council or its representative, the Council may at its discretion re-let the pitch for that day.
- Note: It is the Council's policy normally to only re-let pitches in its street markets.
- Bayswater Road Exhibition - Display of 'Own Work' Notice** 9(a) The licence holders trading on the Bayswater Road Exhibition Site should be aware that the display of such an 'Own Work' notice would constitute an offence contrary to Section 1 of the Trade Descriptions Act 1968 if the indication given is false. Such a notice must not be displayed unless the works on display or for sale conform to the indication given in the notice.

- (b) A failure to display the notice as required by the condition will be taken into account by the Council if allegations are made to the effect that the works on display or for sale are not the original works of the licence holder concerned.
- (c) Inspection will be carried out on a regular basis by consumer protection officers so as to ensure compliance with the Trade Descriptions Act 1968. The display of a notice in breach of the terms of that Act is likely to result in the institution of prosecution proceedings and may lead to revocation of the licence.

Services and Amenities

- 10 All electrical supply points provided by the Council for use by the licence holder shall remain the property and responsibility of the Council or its representatives.

From: [St Rose, Rebecca: WCC](#)
To: [REDACTED]
Subject: RE: Approval of Stall Design Pitch - Pitch 3028 Broadwick Street
Date: 15 July 2020 14:42:30

Good Afternoon Leanne

I write in response to your application for an approval of a stall design

Subject to your confirmation, that all goods will be contained within the dimensions of your pitch and that the roof overhang will not cause there to be any obstruction to the Highway, Licensing approves your new receptacle under the same terms and conditions of use as your current receptacle.

Your application states that you will be leaving the receptacle in situ overnight, I refer you to the standard conditions that are attached to your street trading licence, in particular condition 57.

Condition 57 states '

Unless trading on Rupert Street, the licence holder shall remove their stall and goods from the public highway to the place of storage, as stated on the application form or such other alternative place subsequently agreed by the Council in writing, within one and a half hours of either the time prescribed on the licence for the end of trading on that day or the time trading actually ceases (whichever is the earlier) unless prior consent has been granted by the Council for a later removal time or for the receptacle to remain in situ between consecutive trading periods.

If trading on Rupert Street, the licence holder shall remove their stall and goods from the public highway to the place of storage, as stated on the application form or such other alternative place subsequently agreed by the Council in writing, no later than 6.30pm.

As your application does not give reason for the stall to remain overnight, Licensing does not grant you a waiver to the standard condition 57 and your receptacle will need to be moved to a place of storage after trading.

You have been receiving a reduced daily pitch fee for a number of years because of the disruption caused to you with the temporary relocations due to the various works in the area. I give you notice that your pitch fees will need to revert to the current fee structure for isolated pitches once you return to your designated pitch.

I attach the link to the current street trading charges <https://www.westminster.gov.uk/street-trading-fees>.

Kind Regards

Rebecca St. Rose
Team Manager - Licensing Team 2
Licensing Service
Public Protection and Licensing
Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP
Tel: 07890380114
0207 641 6500 (Contact Centre)
rstrose@westminster.gov.uk
Westminster.gov.uk

www.westminster.gov.uk/markets-available-guide

-----Original Message-----

From: leanne gelle [REDACTED]
Sent: 11 July 2020 10:27
To: St Rose, Rebecca: WCC <rstrose@westminster.gov.uk>; [REDACTED]

Subject: Receptacle street trading under city of Westminster act 1999

Hello Rebecca, all goods will be contained within the footprint of my pitch, the overhang is simply a means of protecting ourselves as well as our goods and equipment from the elements. I use electronic card readers and intent to install CCTV cameras in order to ensure my pitch remains secure. This means that it is necessary to protect this electrical equipment from the rain. Currently I use a tarpaulin to do this but given the ongoing redevelopment of the Soho area, I thought it more appropriate that this be built into the new stall. That way the new stall could still be practically functional as well aesthetically consistent with the newer developments in the Soho area.

Regards, Leanne.

Sent from my iPhone

CITY OF WESTMINSTER

MEMORANDUM

TO	Farhana Ali
REFERENCE	20/06910/LI_STP
FROM	EH Consultation Team
REFERENCE	20/035923/EHCT
BEING DEALT WITH BY	Maxwell Owusu Koduah
TELEPHONE EXT	7242
DATE	28 August 2020

Pitch 3028, Broadwick Street, London, W1F 8HS

I refer to the variation application for a Temporary Licence for the above-mentioned pitch. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Council's Statement of Street Trading Policy dated 2013.

The applicant is seeking a 24-hour trading Monday to Sunday for the sale/supply of flowers, plants, & gardening equipment.

Following consideration of the application and how it may affect the Street Trading Objectives and meeting the requirements of the Council's Statement of Street Trading Policy I wish to make the following representations:

1. The hours requested contravenes the hours of trading policy – ST7 – a copy of this policy is accessible from http://transact.westminster.gov.uk/docstores/publications_store/Licensing/Street%20Trading%20Policy.pdf
2. The hours requested may have the likely effect of causing an increase in Public Nuisance within the area
3. The hours requested may have the likely effect of affecting Public Safety within the area
4. The hours requested may have the likely effect obstructing the highway within the area
5. The hours requested is out of character neighbouring hours of business activity within the area.

It is my considered opinion that the hours requested, may give rise to undue disturbance thereby leading to increased risk of public nuisance and public safety within the area.

For the above, Environmental Health objects to the variation application.

Please contact me if you wish to discuss this further.

Maxwell Owusu Koduah
Environmental Health Officer

CITY OF WESTMINSTER

MEMORANDUM

TO Farhana Ali
REFERENCE 20/06910/LI_STP

FROM City Inspector
REFERENCE 20/06910/LI_STP
BEING DEALT WITH BY Mr Jon Green
TELEPHONE EXT. 07816217385
DATE 22.10.2020

PITCH 3028, BROADWICK STREET, LONDON, W1F 8HS

I refer to the variation application for a Licence for the above-mentioned pitch.

The applicant is seeking to trade 00:00 to 23:59 Monday to Sunday inclusive (24 hours) for the sale/supply of flowers, plants, & gardening equipment from an isolated pitch.

It is my understanding that this isolated pitch must be removed each evening.

Following consideration of the application and how it may affect the Street Trading Objectives and meet the requirements of the Council's Statement of Street Trading Policy I wish to make the following comments:

1. The council's Statement of Street Trading Policy states licences will not be granted or varied beyond the hours of 08:00 to 23:00 unless there are exceptional circumstances. I cannot see any exceptional circumstances within the application that would justify hours beyond 08:00 to 23:00.
2. The hours requested will likely increase Public Nuisance in the area. The council receive a large volume of noise complaints each year relating to deliveries and collections beyond 08:00 to 23:00. Any licence granted beyond these hours will increase noise from vehicle engines, opening and closing of vehicle doors, setting up and dismantling of the stall, noise from trolleys, and other associated noise from trading from the street. This will likely cause disturbance to those living in the vicinity.
3. The hours requested will likely affect Public Safety within the area. Advice from the Police is that trading from street kiosks late at night should be discouraged. Open kiosks tend to encourage people to loiter which can lead to public order offences and crimes such as pickpocketing. It is a specific objective of the council to prevent the gathering of crowds in the streets after 23.00 due to the propensity of crime and disorder.

4. The hours requested will likely increase obstructing the highway within the area. The waste and recycling collection times in the area are as below:

Location	Week Days	Week Times	Weekend Days	Weekend Times
Broadwick Street (BOS)	Mon - Fri	07:00 - 09:00	Sat, Sun	07:00 - 09:00
	Mon - Fri	19:00 - 21:00	Sat, Sun	19:00 - 21:00
Duck Lane (BOS)	Mon - Fri	07:00 - 09:00	Sat, Sun	07:00 - 09:00

Location	Week Days	Week Times	Weekend Days	Weekend Times
Berwick Street (BOS)	Mon - Fri	18:00 - 20:00	Sat, Sun	18:00 - 20:00
	Mon - Fri	23:00 - 01:00	Sat, Sun	23:00 - 01:00

These times are set to coordinate with the existing businesses and other activities in the area. The increased times of highway obstruction will increase the difficulty of our cleansing teams to ensure the area is clean and clear of waste.

5. The hours requested are out of character with neighbouring hours of business activity within the area. This has the potential to increase footfall in the area and therefore increasing noise and disturbances, which will have an adverse impact upon residents.

Based on the above, I object to the granting of this application in its current form.

Mr Jon Green
City Inspector - Markets

From: [Eugene O' Regan](#)
To: [Pring, Shannon: WCC](#); [St Rose, Rebecca: WCC](#); [leanne.gellel](#); [Ali, Farhana: WCC](#)
Cc: [REDACTED]
Subject: Re: Variation of licence Leanne Gellel
Date: 09 December 2020 09:36:38
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Dear Shannon,

Thank you for your response. There seems to be a misunderstanding here so I will clarify matters. Leanne has made a request for a variation of her licence to accommodate her trading which will change on a permanent basis but has been amplified by the current Covid Pandemic.

We wish to continue the application in its current form and will not be altering any of the original points made.

On the matter of the Police advice you have relied on, it is important we are able to examine this advice in advance of the Panel hearing so that we can see exactly what was being referred to and the context of this. Officers and the Street Trading Policy 7(12) simply inform us that this advice was given. There must be some record of this available or if not, could you send us the details of the person or department within the Metropolitan police so that we may contact them directly.

You seem to overlooked our other request for the list of all isolated licences the Council hold and which you have declared are available in the Street Trading Policy 5(1). We will be relying on our audit of this to support Leanne as it will clearly show that the vast majority of Isolated Licensees have never been required to hold any Planning Consent. As we have already explained the City of Westminster Act is the primary legislation we rely on and from that the Standard Conditions Section 57. You advised me that you understand that this permission mentioned in section 57 would also be subject to Planning Consent which again is totally incorrect.

The Street Trading Policy 2013 (STP) is neither a statutory or regulatory instrument and seeking to rely on it as such is unconscionable. The Policy was introduced to clarify the Council's strategy on street trading but there seems to have been covert measures introduced using this Policy which are frankly unlawful. As I pointed out to you the Council have, in STP, made numerous policy statements for example Policy ST8 which relates to Goods on Sale which the Council claims to regulate commodities and traders. The Provision of Services Regulations 2009 section 21(C) expressly prohibits the Council from doing so. Indeed it also appears in the Standard Conditions the Council have behave in the same manner. Standard Condition 3 Limits Assistants to 3, there is no such restriction within the COW. Standard Condition 25 limits Advertisement area to 10%, there is no such restriction in the COW. I would respectfully suggest the Council review these indiscretions and amend them as a matter of urgency.

To recap on the current points we need to address can you now provide us with the following;

1. A list of all Isolated Licenses currently held by the Council.
2. The Details of the Metropolitan Police advice or contacts for that advice.
3. The Date for a Panel hearing.

Kind Regards,

Eugene O' Regan
For Leanne Gellel

From: "Pring, Shannon: WCC" <spring3@westminster.gov.uk>

Date: Tuesday, 8 December 2020 at 11:56

To: Eugene O' Regan [REDACTED] "St Rose, Rebecca: WCC" <rstrose@westminster.gov.uk>, leanne gellel [REDACTED] "Ali, Farhana: WCC" <fali1@westminster.gov.uk>

[REDACTED]

Subject: RE: Variation of licence Leanne Gellel

Dear Eugene,

Thank you for your email, apologies for the delay in responding I was unexpectedly out of the office due to illness.

During our discussions in the meeting on 17 November it transpired that what Leanne had originally applied for was not in fact what she was seeking to do, i.e. trade for 24 hours. Rather she sought to have access to her receptacle to service the nearby offices and her other clients in order to be Covid compliant and avoid the other early morning staff such as cleaners etc.

It was agreed that Leanne would provide an amended application or further documentation setting out her proposals, such as the realistic access times and how she intends to operate so that the responsible authorities

would have an opportunity to review this and possibly amend their representations based on this further information. This has to happen before a date for licensing sub-committee can be scheduled as the Licensing Service is required to set out the full application and all responses to the committee members in order to assist them in determining the application.

Given that the sub-committee hearings continue to be heard virtually at present it is expected that this matter will not be able to be heard until the new year. Therefore, I would be grateful if you could arrange for Leanne to provide the amended documentation above.

In respect of the police information that you have requested, the responsible authorities have made reference to the 'reasons for the policy' in the Statement of Street Trading Policy and it is on these grounds that they have made their representations. They had not sought any specific police report and therefore there is no report to give you other than to divert you to the street trading policy and the information contained within.

Kind regards,

Shannon

Shannon Pring

Senior Practitioner for Street Trading

Licensing Team

Public Protection & Licensing

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From: Eugene O' Regan [REDACTED]

Sent: 25 November 2020 11:37

To: St Rose, Rebecca: WCC <rstrose@westminster.gov.uk>; leanne gellel

[REDACTED] Ali, Farhana: WCC <fali1@westminster.gov.uk>; Pring,

Shannon: WCC <spring3@westminster.gov.uk>

[REDACTED]

[Redacted]

Subject: Re: Variation of licence Leanne Gellel

Good Morning Rebecca and Shannon,

We are currently awaiting a date for the Officer Panel Hearing for the Licence Variation.

With this in mind we would like to have made available the Police report that Council Officers have repeatedly used in reference to this matter. It is important that we are able to see this document to understand fully the context and full meaning that the Council Officers have inferred from its content. More importantly we need to see how the Police have assessed this to such an extent as to make such an impact on Street trading which essentially prohibits licensees from any trade in the relevant trading periods.

We would also like you to forward the most recent list of Designated Street trading Pitches (Isolated Only) the Council hold as stated in Policy ST5(1). We will then conduct an independent audit and present this to the Panel for consideration at the hearing.

Thank you for your in advance for your co operation in dealing with this matter.

Kind Regards,

Eugene O'Regan
For Leanne Gellel.

From: "St Rose, Rebecca: WCC" <rstrose@westminster.gov.uk>

Date: Wednesday, 11 November 2020 at 12:50

To: Eugene O' Regan <[Redacted]>, leanne gellel

<[Redacted]>, "Ali, Farhana: WCC" <fali1@westminster.gov.uk>,

"Pring, Shannon: WCC" <spring3@westminster.gov.uk>

[Redacted]

Subject: RE: Variation of licence Leanne Gellel

Dear Mr O'Regan

The case officer is Shannon Pring, she is the senior practitioner for Street Trading and is currently arranging the meeting date and she will be in contact with you shortly.

The audit for the isolated pitches has not taken place as yet due to the continued response to Covid 19 that our city inspectors are involved with. I am unable to give you a specific date when this audit can take place as it relies on a joint effort between the city inspectors and our colleagues in planning. I will let you know once they have given me the audit date.

I can confirm that matters are not being delayed unnecessarily. These are very challenging times for all and we are all looking at working in different ways to facilitate business as usual work.

Both officers that raised objection will be available at the meeting so it may be better if you raise questions regarding their objection at the meeting for them to answer.

Kind Regards

Rebecca St. Rose
Team Manager – Licensing Team 2
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From: Eugene O' Regan <eugeneoregan1@gmail.com>

Sent: 11 November 2020 11:38

To: St Rose, Rebecca: WCC <rstrose@westminster.gov.uk>; leanne gellel

[REDACTED]; Ali, Farhana: WCC <fali1@westminster.gov.uk>; Pring,

Shannon: WCC <spring3@westminster.gov.uk>

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Subject: Re: Variation of licence Leanne Gellel

Good Morning Rebecca,

Could you please update us on the information we requested in the email below.

Can you supply us with the name and contact details of the Case officer dealing with this matter.

Can you ask Mr Koduah and Mr Green to forward us the details of the Metropolitan Police report or the details of the Officer they have spoken to.

Can you supply the initial findings from your Audit of Licensees currently sited without planning consent. You did inform us that this had been initiated by you in August and though it may be continuing you will have investigated a number by now.

We are concerned that matters are once again being delayed unnecessarily by Officers which is unacceptable. We wish to speak to the Case officer and as you agreed, have this matter mediated and hopefully concluded without the need or expense in forming an Panel hearing.

Your urgent attention to these matters is appreciated.

Yours Sincerely,

Eugene O' Regan
For Leanne Gellel

From: Eugene O' Regan <[REDACTED]>

Date: Friday, 6 November 2020 at 17:35

To: "St Rose, Rebecca: WCC" <rstrose@westminster.gov.uk>, leanne gellel <[REDACTED]>, "Ali, Farhana: WCC" <fali1@westminster.gov.uk>, "Pring, Shannon: WCC" <spring3@westminster.gov.uk>

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: Variation of licence Leanne Gellel

Good Afternoon Rebecca,

Thank you for your email update.

We would now like the opportunity to clarify matters subject to the reports presented by Maxwell Koduah, Environmental Health officer and Jon Green, City Inspector Markets.

For the avoidance of doubt and a better understanding of our concerns neither Officer has made any attempt to make a physical inspection of the area or consulted with Leanne prior to their findings. Mr Koduah made a short 10 minute phone call to Leanne and asked her some questions, which I understand he misinterpreted several times and needed Leanne to clarify these again. Leanne was quite clear that the extension to her licensing hours is to facilitate her servicing of her local accounts out of hours at the Clients request and to remain within both government and company Covid Policies. She was explicit that she was not trading to the public in general but would need to access the receptacle for supplies and tools that she would need to do her work.

If we can deal with each report in sequence it would make it easier for all parties to understand our current position.

We are deeply concerned by the claims made by Mr Koduah in his listed objections and his clear lack of understanding of the true position of the request made by Leanne.

Mr Koduah has stated that the application is for a temporary licence which is not correct. Leanne currently holds a full licence to trade and has asked for an extension of her trading hours. This is a variation of licence not a new licence. Leanne has held the permanent licence for 22 years.

Based on the short telephone conversation Mr Koduah has then made a series of comments which are completely wrong and deeply concerning in their implications to Leanne.

Mr Koduah has stated that the hours requested "Contravenes" ST7. The use of this language is both inappropriate and unacceptable. Leanne has made a legitimate request within the COW 1999. The STP 2013 is a council notice of intent and not statute legislation or regulation. Leanne has made no such contravention. Indeed the Council are aware that several policies contained within the STP 2013 are directly in breach of both the POSR 2009 and the COW 1999 and have made no effort to retract or redefine these which is deplorable behaviour but that is a separate matter.

Mr Koduah then makes a judgement that Leanne will, by operating her legitimate

business, cause a public nuisance. We question his appraisal and the jurisprudence he made to declare that Leanne may inadvertently cause criminality to arise in the area. This is an appalling misrepresentation of the position clearly designed to undermine Leanne.

Mr Koduah continues that an extension of hours may likely effect Public safety. Leanne has operated her business at times of the highest density of footfall and Vehicular traffic for 22 years and never once had any public safety incident. Indeed prior to Leanne acquiring her licence the council would have conducted an investigation of these matters prior to the designation resolution and continue to reassess these periodically. We will seek to have the Officers findings clarified and the references he made to arrive at this conclusion.

Mr Koduah has raised the concern that Leanne may obstruct the Highway. For clarity Leanne has operated in her designated pitch area assigned by the Council and does not encroach on any Carriageway at any time. Regarding the footway area her position is offset from the throughfare used by pedestrians and again has never, in 22 years, had any issue arise. Mr Koduah has never made any form of inspection of the area at any time prior to his report.

Mr Koduah finally claims that the hours requested are out of character to the area. We are discussing Soho in the west end of London. Leanne will shortly be joined in her immediate area by a new 5 Star Boutique Hotel containing bars, restaurants and residential accommodation accessible 24 hours. This Hotel is one of Leanne's clients that will need to have her attendance at the non social hours we have indicated.

We are not party to council procedure in these matters and the conduct of its officers but we imagine that each department would act independently in assessing the application and form a fair and concise judgement for consideration. That is clearly not the case here. Mr Jon Green has simply liaised with Mr Koduah who has given him the outline and detail of his findings which Mr Green has then simply translated to his department report. Mr Green has neither spoken to Leanne or attended the pitch at any time. Indeed Mr Green could have simply copied and paste Mr Koduah report and saved the two month we have had to wait for its publication.

Mr Green claims to have advice from the Police, whether documented or verbal we are not sure, assessing that Leanne will indeed be tacitly implicated in criminality. We would like to know the Officer that Mr Green has spoken to and the reports he has relied on for his report. Again we can confirm that Leanne has neither been contacted or visited by any Officer from the Metropolitan Police to investigate this matter.

Rebecca we are also confused by your indication that the Case officer will arrange a meeting? We have never been informed who that Case Officer is. We assumed you were dealing with this but that is clearly not the case. Can you confirm the Case Officer Details and when the meeting to mediate the matter will now take place. We are encouraged by this and will seek to have matters amicably resolved and without any further delays or need of action.

On the matter of your audit of traders who have their receptacles in place overnight and who do not have a planning consent order, have you an initial figure and details that we can examine and compare with our records. Currently we have in excess of 100 but will wait for your confirmation.

Yours sincerely,

Eugene O' Regan
For Leanne Gellel

From: "St Rose, Rebecca: WCC" <rstrose@westminster.gov.uk>

Date: Tuesday, 27 October 2020 at 15:14

To: Eugene O' Regan <[REDACTED]>, leanne gellel <[REDACTED]>, "Ali, Farhana: WCC" <fali1@westminster.gov.uk>, "Pring, Shannon: WCC" <spring3@westminster.gov.uk>

[REDACTED]

Subject: RE: Variation of licence Leanne Gellel

Good Afternoon Leanne and Eugene

Thank you for your email. Following your email below, you will have received a second objection to the application from the city inspectors. The case officer will now arrange a suitable date for a meeting via Teams for all parties to discuss the application and the objections received. If the mediation does not satisfy the objections, the application will be listed to be determined at Licensing Sub Committee.

Kind Regards

Rebecca St. Rose
Team Manager – Licensing Team 2
Licensing Service
Public Protection and Licensing

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From: Eugene O' Regan <[REDACTED]>

Sent: 25 October 2020 17:53

To: St Rose, Rebecca: WCC <rstrose@westminster.gov.uk>; leanne gellel
[REDACTED]; Ali, Farhana: WCC <fali1@westminster.gov.uk>

Subject: Re: Variation of licence Leanne Gellel

Good Afternoon Rebecca,

Leanne has asked me to help her once again with the issues surrounding her Variation of licence and the replacement of her Receptacle.

The Legislation we will be relying on is;

The City of Westminster Act 1999 (**COW**).

The Provision Of Services Regulations 2009 (**POSR**).

With a summary references from,

Street Trading Policy (Statement of Street trading Policy 2013) (**STP**).

I have attached copies of the relevant documents and Statutes for parties to reference.

Kiosk Replacement

Under the COW Leanne has made a formal request to replace her receptacle and submitted full details and drawings of the proposed updated receptacle for consideration. The designs were made with reference to the STP Policy 1 Isolated pitches(Semi Permanent). We also relied on the Council design policy which includes the “heritage” design.

Section 1(6) States that planning permission will be required for all stalls (Receptacles) not removed at night.

As we have pointed out to Officers and Councillors this determination is not consistent with either the COW or any planning regulations currently in force. Indeed, the COW and any elements contained within it, in this case the receptacle, are “Sui Generis” to planning. The Receptacle is clearly identified in the COW section 2, Interpretation.

It would appear that the Council Officers are now reclassifying a Receptacle and redesignating it an A1 Shop, which it has claimed in previous permissions, purely on the premise of it being in situ overnight. As I have pointed out on several occasions reclassifying the Receptacle as a shop would remove the receptacle from the COW and thus beyond the limitations set within the Act. It would also remove the licensee from any obligations that they are currently restrained by under the COW such as Section 9 in its entirety. The Council reasoning that a receptacle remaining overnight then becomes a Shop is absolutely unconscionable. Not to trivialise the matter in any way but using that perverse definition would mean for example, a person parking a mobile home in their driveway would need planning consent as if it was left overnight it could then become a dwelling. It would also appear that Officers are ignoring the current position in Westminster in that the vast majority of Receptacles in isolated areas have no such restriction and never have done so.

You seemed to indicate to Leanne that you are unaware of any such cases which is not correct. You have though your duties as an Officer had numerous dealings with all licensees who all remain in situ overnight. I was somewhat amused that you are seeking to audit the exact number as a mitigation of this fact which again is not correct. You are fully aware as the vast majority are in this category, some 160 out of 170 Licensees.

Variation Of licence Application

Leanne has made the application for a variation of her license in the prescribed manner. The application and payment was made on the 12th August 2020. A telephone conversation was made by Maxwell Koduah, Environmental Health Officer and Leanne in which Leanne fully explained the reasons for the Variation application. It appears that the Officer has completely misunderstood and misrepresented the facts in this matter.

He has stated in the Memorandum that Leanne has made an application for variation of a temporary Licence. Leanne has made an application for a variation of her Permanent licence conditions. The Officer then continues ;

1. The hours requested contravenes the hours of trading policy – ST7 – a copy of this policy is accessible from http://transact.westminster.gov.uk/docstores/publications_store/Licensing/Street%20Trading%20Policy.pdf
2. The hours requested may have the likely effect of causing an increase in Public Nuisance within the area
3. The hours requested may have the likely effect of affecting Public Safety within the area
4. The hours requested may have the likely effect obstructing the highway within the area
5. The hours requested is out of character neighbouring hours of business activity within the area.

At no point in this report has the Officer sought to clarify any concerns on the points 1/5 he has made. Whilst he makes reference to STP 7 he has failed to comply with the POSR 2009 Section 21(1)(c) which prohibits the Council from introducing this criteria.

He has also stated that Leanne is seeking to trade for 24 hours which is incorrect. Leanne is seeking to extend her licence operational times to facilitate the new constraints place on her by clients she services in the local area. They have requested as to comply with social distancing, that she now service their accounts, that is to say replenish and restock their flower displays in out of office hours. Leanne will need to access the receptacle to both store and prepare supplies for her clients during these new restricted hours which will mean late night or early morning as the clients requests. Leanne will now need to have the extended hours to accommodate this.

The officer then make an entirely spurious claim that it his considered opinion that Leanne will create a public nuisance and a threat to public safety in the Area. This is simply outrageous behaviour and quite unacceptable.

I have now dealt with Westminster Council Officers on a number of occasions including Berwick Street Privatisation, Strutton Ground Redevelopment and numerous permanent licence applications and officer panel hearings. I have found that Officers will deliberately misinform and conceal any redress and make a deliberate attempts to confuse and deny Licensees any meaningful support. The Officers, as we can clearly see here, will continue to delay any response and when pressed issue entirely vague and unsupported opinions.

I would purpose to the Council that we convene a meeting of Officers involved in these matters which will allow parties to fully understand these matters.

Yours sincerely,

Eugene O' Regan
For Leanne Gellel

From: "St Rose, Rebecca: WCC" <rstrose@westminster.gov.uk>

Date: Thursday, 15 October 2020 at 17:14

To: leanne gellel <[REDACTED]>, "Ali, Farhana: WCC" <fali1@westminster.gov.uk>

[REDACTED]

Subject: RE: Variation of licence

Dear Leanne

Your application to trade for 24 hours was submitted on the 12 August 2020 and your previous application for permission to change your receptacle was submitted on the 19th January 2020 and was granted on the 15th July 2020. I have attached Shannon's previous communication sent to you on the 1st October updating you on the progress of your most recent application.

The application has received objection from the Environmental Health team (a copy has been sent to you by the officer Maxwell Koduah), a verbal objection from the City Inspectors (I have requested that this be put into written form so that it can be sent to you) and we are awaiting the response from Highways Planning. We are also working with Committee Services to arrange a Licensing sub Committee hearing so that your application may be determined. Due to the current climate, we have had to move to online hearings which are currently booked until the 16th December. I have requested an earlier hearing date.

I am sorry that this is taking longer than usual but council services are currently pressed, due to Covid tasking and this is extending timings for business as usual. I have spoken with highways planning and have requested an urgent response.

Please let me know if you have any questions.

Kind Regards

Rebecca St. Rose
Team Manager – Licensing Team 2
Licensing Service

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From: leanne gellel <[REDACTED]>
Sent: 15 October 2020 11:17
To: St Rose, Rebecca: WCC <rstrose@westminster.gov.uk>

[REDACTED]

Subject: Variation of licence

Dear Rebecca

I am writing to ask that you respond to my request for a variation in my license. This has been ongoing since September last year and is yet to resolved. My application paid on the 12th of August. I received an email on the 4th of September from Maxwell Kabah who informed me that he had mistakenly sent my information on to the NMTF on the 18th, and again on the 28th August. I have yet to hear anything else with regard to my application. I will be contacting licensing regularly from now on as I have received almost no information regarding my application.

Regards leanne
Sent from my iPhone

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From: [Eugene O' Regan](#)
To: [Pring, Shannon: WCC](#); [leanne gellel](#)
Cc: [St Rose, Rebecca: WCC](#); [Ralph, Andrew: WCC](#)
Subject: Re: 20/06910/LI_STP - Pitch 3028 Broadwick Street - Notice of Hearing
Date: 13 January 2021 16:44:04
Attachments: [image001.png](#)
[image002.png](#)

Dear Shannon,

Thank you for your response. Most importantly we are not asking for a waive of Standard Condition 57 but that the Council comply with it.

57 Unless trading on Rupert Street, the licence holder shall remove their stall and goods from the public highway to the place of storage, as stated on the application form or such other alternative place subsequently agreed by the Council in writing, within one and a half hours of either the time prescribed on the licence for the end of trading on that day or the time trading actually ceases (whichever is the earlier) **unless prior consent has been granted by the Council for a later removal time or for the receptacle to remain in situ between consecutive trading periods.**

If trading on Rupert Street, the licence holder shall remove their stall and goods from the public highway to the place of storage, as stated on the application form or such other alternative place subsequently agreed by the Council in writing, no later than 6.30pm.

We are concerned by your explanation regarding the Police Advice your Officers are seeking to rely on in this matter. You have simply responded that the officers are relying on hearsay which is completely unacceptable.

On the matter of an audit of Licensees without Planning consent your response is totally unacceptable. You are trying to imply that IF there are any licensees currently in this position they are in breach and will be dealt with accordingly and that you are unaware of any instances of that being the case. The reality is that the vast number of the 104 licensees you have listed have always left their receptacles in place between trading hours with Licensing consent under condition 57. The Council are fully aware of this and the Officers have simply tried to conceal it by failing to conduct any audit or even a simple diligence of the licensees as this would have an adverse effect to the challenge made to Leanne.

We will of course draw these matters to the attention of the panel at the hearing who will then fully understand how the Officers have conducted themselves in dealing with this application.

We have confidence that the panel will deal with these matters in the appropriate manner at the hearing.

Kind Regards,

Eugene O' Regan

From: "Pring, Shannon: WCC" <spring3@westminster.gov.uk>

Date: Wednesday, 13 January 2021 at 16:04

To: Eugene O' Regan [REDACTED] leanne gellel
[REDACTED]

Cc: "St Rose, Rebecca: WCC" <rstrose@westminster.gov.uk>, "Ralph, Andrew: WCC" <aralph@westminster.gov.uk>

Subject: RE: 20/06910/LI_STP - Pitch 3028 Broadwick Street - Notice of Hearing

Dear Eugene,

Thank you for coming back to me about receiving the notification of hearing.

As I have mentioned to you previously, we do not have the information that you have asked to see relating to the police data in the policy. It was advice that was received from Police at the time that the policy was being drafted and it is that information that both the City Inspectors and Environmental Health Officers have relied on.

In relation to the audit of isolated pitches that have planning consent, we do not have the resources in the current climate to conduct a full review at present. I am unable to give you a date when this is likely to happen. Resources in the relevant teams are low due to the City-wide Covid response.

The number of isolated pitches quoted in the street trading policy is incorrect as this is the number when the policy was published. A number of isolated pitches have been de-designated over the years. The list that was provided to you is the full isolated pitch register that we have to date.

Finally, it is important to note that whatever the findings are in relation to the audit of the isolated pitches we do not consider it to be relevant to Leanne's specific application. It is our position that without planning consent we are not in a position to waive standard condition 57 to allow Leanne to leave her kiosk in situ overnight. If there are other traders that are leaving kiosks in situ overnight enforcement action will be taken against them when we are in a position to resource that effectively.

Kind regards,

Shannon

Shannon Pring

Senior Practitioner for Street Trading

Licensing Team

Public Protection & Licensing

Westminster City Council

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64 Victoria Street

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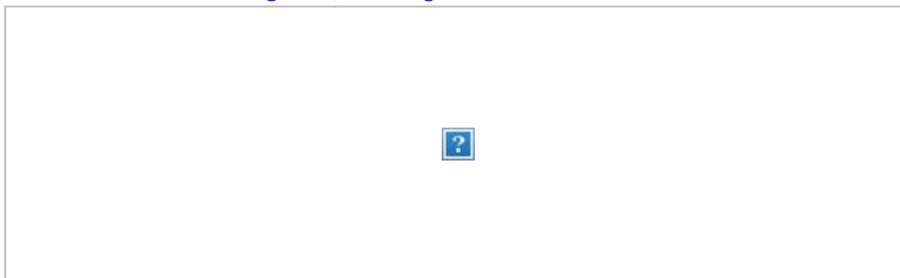
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From: Eugene O' Regan [REDACTED]
Sent: 12 January 2021 10:17
To: Pring, Shannon: WCC <spring3@westminster.gov.uk>; leanne gellel [REDACTED] <[REDACTED]@westminster.gov.uk>
Subject: Re: 20/06910/LI_STP - Pitch 3028 Broadwick Street - Notice of Hearing

Good Morning Shannon,

Could you please update us on your progress with supplying us with the information we requested. This information will form part of our presentation to support the application that the Panel will be considering. It is also imperative that we are able to review this and if necessary make further enquires on our findings.

Once again, your urgent attention to this matter would be appreciated.

Kind Regards,

Eugene O' Regan

From: Eugene O' Regan [REDACTED]
Date: Friday, 8 January 2021 at 15:37
To: "Pring, Shannon: WCC" <spring3@westminster.gov.uk>, leanne gellel [REDACTED]
Cc: "St Rose, Rebecca: WCC" <rstrose@westminster.gov.uk>
Subject: Re: 20/06910/LI_STP - Pitch 3028 Broadwick Street - Notice of Hearing

Good Afternoon Shannon,

Thank you for your email. We will give the details as requested in due course. We will now get our papers in order for the hearing and will send copies of these to you for inclusion in the Bundle for the panel to consider.

We have received the list of licensees that you sent and will need to see the results of the Audit that Rebecca has conducted on the planning consent for those Receptacles that are left overnight currently held by the Council. As you will agree this information will be extremely important for us to examine and discuss at the

hearing. We also asked for an explanation of only receiving a list of 104 licensees when the council have indicated there are over 170. Could you please explain the difference and why these licenses have been omitted.

We will also need to see a copy of the Police report that the Council and Officers have relied on when making the consultation reports and also used in the Objection made by the environmental Officer. We assume he read this prior to his findings.

Again we appreciate your urgent attention to this matter bearing in mind the date of the upcoming panel hearing.

Kind Regards,

Eugene O' Regan

From: "Pring, Shannon: WCC" <spring3@westminster.gov.uk>
Date: Thursday, 7 January 2021 at 11:15
To: leanne gellel [REDACTED]
Cc: Eugene O' Regan [REDACTED]
Subject: 20/06910/LI_STP - Pitch 3028 Broadwick Street - Notice of Hearing

Dear Leanne,

Please see attached the notice of hearing for the above variation application.

Kind regards,

Shannon
Shannon Pring
Senior Practitioner for Street Trading
Licensing Team
Public Protection & Licensing
Westminster City Council
15th Floor
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CLIENT: **LEANNE'S FLOWERS**
JOB TITLE: **SOHO FLOWER KIOSK**
JOB NUMBER: **19-108-01**
CURRENT REV:
DATE: 23-10-2019



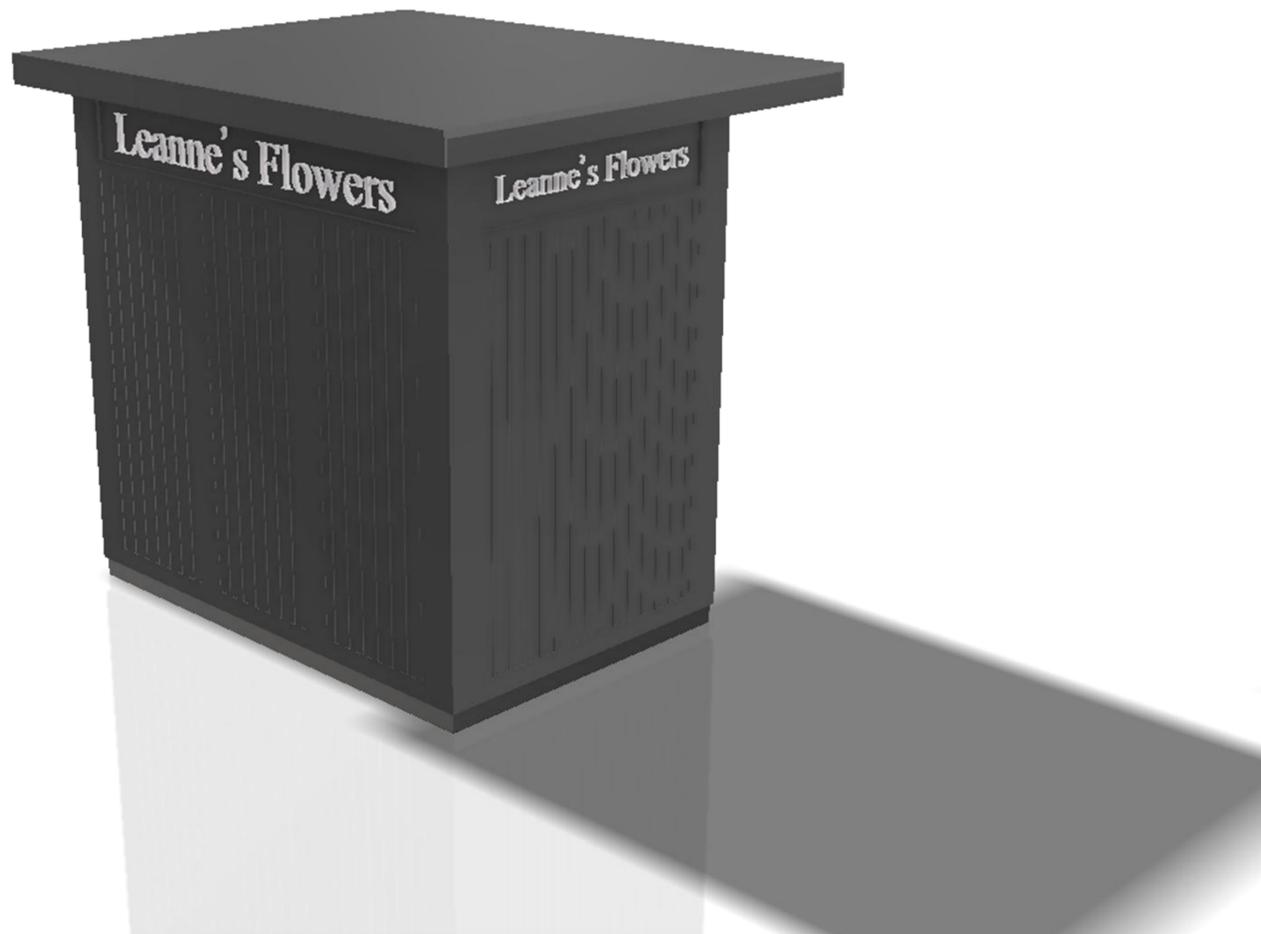
Making your space work.

SRL Solutions
Leigh Street, Sheffield, S9 2PR
t: 0114 2560020
w: www.srl-solutions.com
e: sales@srl-solutions.com

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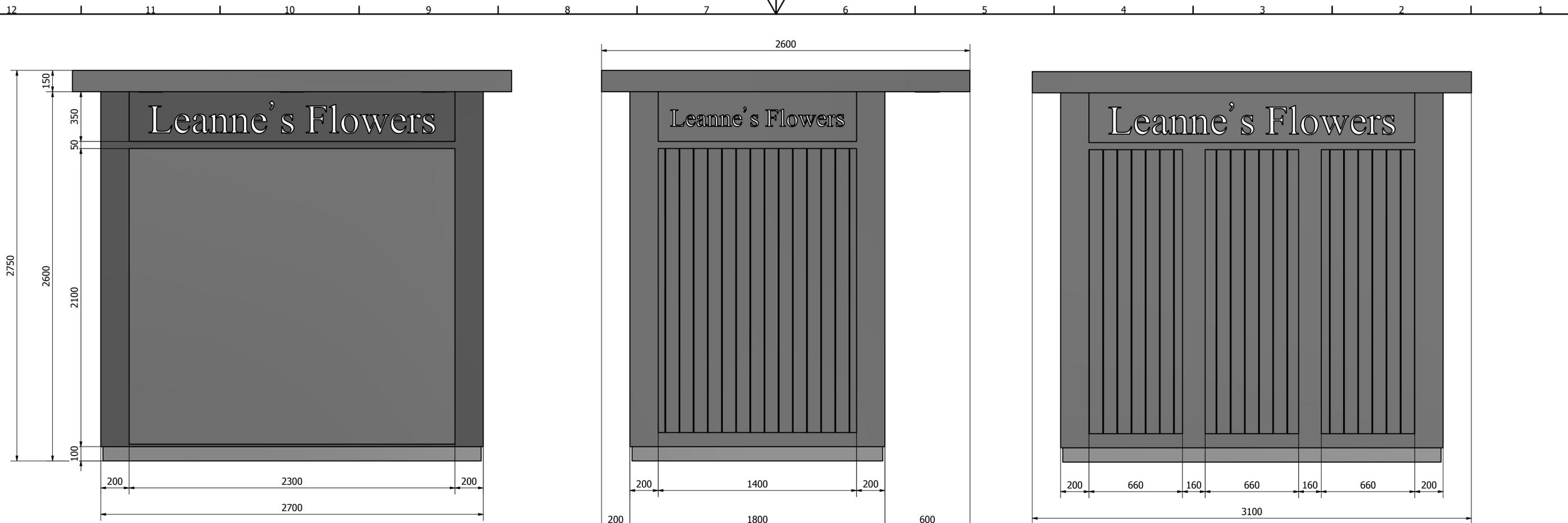
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Page 56

LEANNE'S FLOWERS	Designed by j.rowbottom	Title SOHO FLOWER KIOSK DESIGN	Date 08/10/2019	 Making your space work. LEIGH STREET SHEFFIELD S9 2PR T 01142 560020 F 01142 560070 www.srl-countertech.co.uk	Drawing Number 19-108-01	Edition	Sheet 2 / 4

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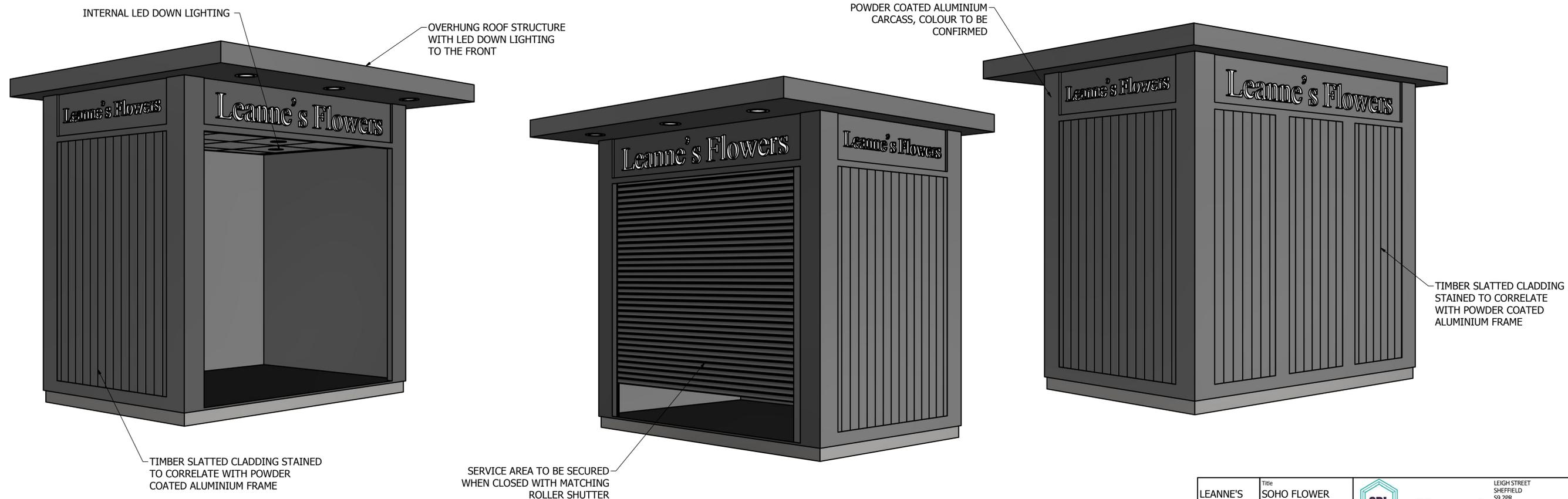




FRONT ELEVATION

LHS ELEVATION

REAR ELEVATION



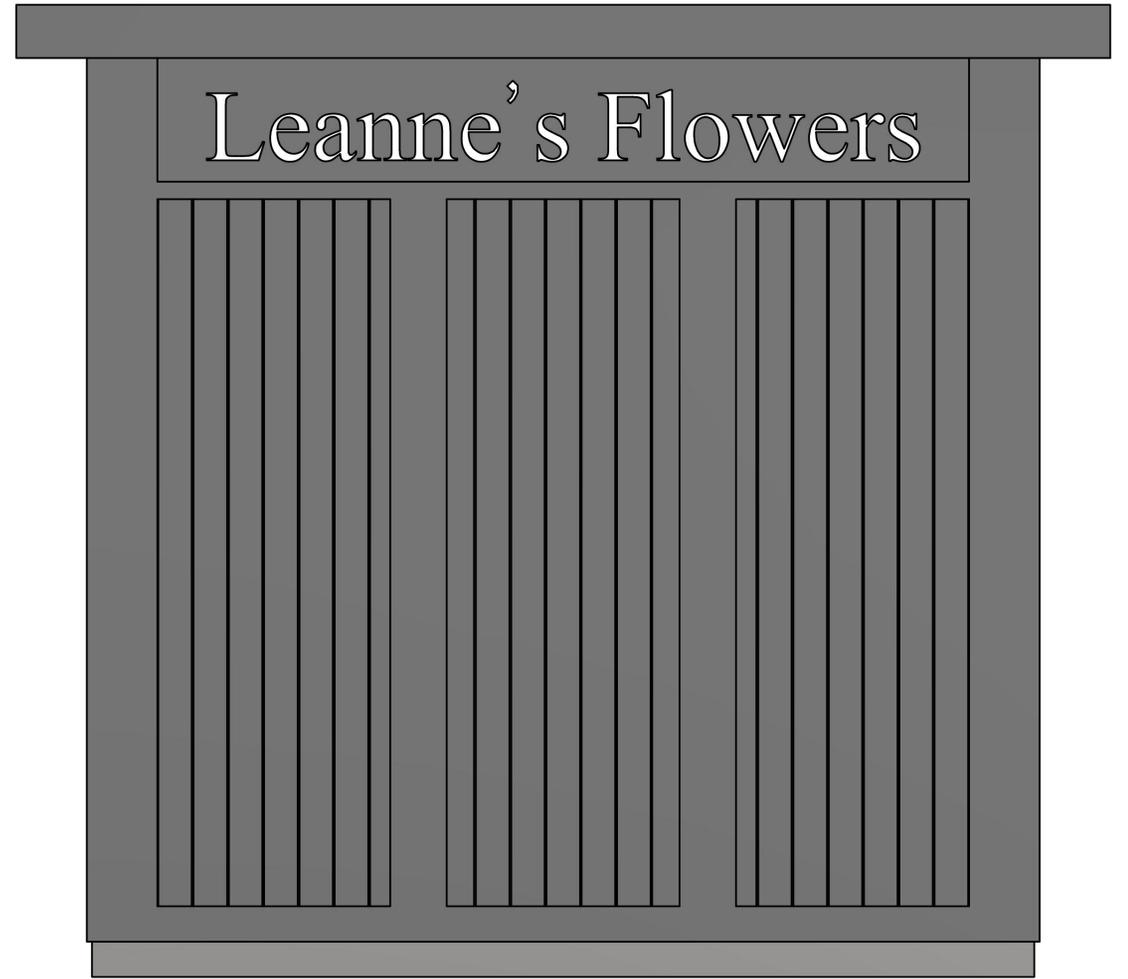
LEANNE'S FLOWERS	Title SOHO FLOWER KIOSK DESIGN	 Making your space work.	LEIGH STREET SHEFFIELD S9 2PR T 01142 560020 F 01142 560070 www.srl-countertech.co.uk	
			Designed by j.rowbottom	Date 08/10/2019



FRONT SIGN



TYPICAL HALO BACK LIT LIGHTING EFFECT



LEANNE'S FLOWERS Designed by j.rowbottom	Title SOHO FLOWER KIOSK DESIGN Date 08/10/2019	 Making your space work. LEIGH STREET SHEFFIELD S9 2PR T 01142 560020 F 01142 560070 www.srl-countertech.co.uk	Drawing Number 19-108-01	Edition Sheet 4 / 4

Premises within 75 metres of: Said, 41 Broadwick Street, W1F 9QL

p / n	Name of Premises	Premises Address	Opening Hours
05/05127/WCCMAP	Star & Garter	63 Poland Street London W1F 7HX	Friday to Saturday 10:00 - 02:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
05/05413/WCCMAP	Mildred's Restaurant	45 Lexington Street London W1F 9AH	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
10/09431/LFDP5	John Snow	39 Broadwick Street London W1F 9QJ	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
05/06488/WCCMAP	Andrew Edmunds	Basement And Ground Floor 46 Lexington Street London W1F 9LP	Monday to Saturday 10:00 - 23:30 Saturday 12:00 - 23:00
05/12994/WCCMAP	Musala Zone	9 Marshall Street London W1F 7EJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/03473/LFDP5	Bao	53 Lexington Street London W1F 9AS	Friday to Saturday 10:00 - 02:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
11/01852/LJFT	Bistro 1	Basement And Ground Floor 75 Beak Street London W1F 9SS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
13/09802/LFDP5	Central Convenience Store	43 Broadwick Street London W1F 9DN	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
13/04833/LFDP5	Complex Librari	59 Broadwick Street London W1F 9CH	Monday to Sunday 08:00 - 23:00
09/01554/LJFT	Aurora Restaurant	Basement And Ground Floor 48 Lexington Street London W1F 9AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/04425/LFDP5	Grillback	Basement And Ground Floor 51 - 53 Beak Street London W1F 9SL	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
14/00093/LFDP5	Social Eating House	Ground Floor 58-60 Poland Street London W1F 7NR	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 09:00 - 23:00 Monday to Thursday 08:00 - 23:30
11/09062/LPVM	Tapas Bodega Solis	48 Broadwick Street London W1F 7AF	Monday to Sunday 10:00 - 00:30
11/07263/LPDP5	Sun & Thirteen Centers	21 Great Pulteney Street London W1F 9AG	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
14/01787/LPN	Milk And Honey	51 Poland Street London W1F 7HU	Sunday 09:00 - 02:00 Monday to Saturday 09:00 - 03:30 Sundays before Bank Holidays 09:00 - 03:30
12/01708/LPVM	Vivoteca	53 - 55 Beak Street London	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 03:00
05/05339/WCCMAP	Academy Club	First Floor Front 48 Lexington Street London W1F 9LP	Monday to Saturday 10:00 - 23:00 Sunday 12:00 - 23:00
13/07955/LPVM	Fernandez And Wells	Basement And Ground Floor 43 Lexington Street London W1F 9AL	Sunday 09:00 - 20:00 Monday to Saturday 09:00 - 23:30



~~Solicitor undefined for case~~

4-5 GRAY'S INN SQUARE BARRISTERS CHAMBERS
GRAY'S INN
LONDON
WC1R 5AH

Defence costs order (assessment)

Mr Oliver BAZDAR
Hugano House
Oxenden Street
SW1Y 4EH

Case number: 011601575925

The Court has ordered that costs including an amount in respect of legal costs be met from central funds. The amount to be paid will be subject to assessment by the National Taxing Team.

Note

The claim for costs (including this order) must be submitted within 3 months to the regional office of the National Taxing Team. If your claim is below £2000, you must follow the mandatory Fastrak scheme (see NTT page at www.gov.uk), in which case you should not submit your full file. Claims sent to the court will be returned.

K.T. Griffiths

K.T. Griffiths

Date: 15 November 2016

Justices' Clerk

Offences and orders

Offence

011601575925/1

On 17/12/2015 at Pitch 1632 Piccadilly, opposite 217 Piccadilly displayed an advertisement, namely a display bearing the words "sightseeing bus tours", identified in the photographs produced as exhibit "KB4A-D" in the Statement of Witness made by Karen Ball, in contravention of Regulations 4 and 30 made under section 220 of the Town and Country Planning Act 1990.
Contrary to section 224(3) of the Town and Country Planning Act 1990.

Result

Dismissed (no evidence offered).

Defendant's costs including an amount in respect of legal costs to be paid from central funds. Amount to be assessed.

In the matter of Piton 1632 Piccadilly and in the matter of the London Local Authorities Act 1990 and the City of Westminster Act 1990 and Regulations on Street Trading Licenses and the Town and Country Planning (Control of Advertisement)(England) Regulations 2007.

OPINION

1. This Opinion relates to the lawfulness of applying the 2007 Town and Country Planning (Control of Advertisements) Regulations (SI 2007/73) and S224 (3) of the Town and Country Planning Act 1990, (TCPA) as amended to advertisements on the 'kiosk' on pitch 1632 Piccadilly London W1J 9HF in the City of Westminster.
2. A preliminary point needs to be made. Street Trading has always been an activity which is sui generis. The Street Trading license permits Street Trading activities. The licensing system is a discrete and exclusive system of control and regulation of street traders. Street Trading is now controlled by Schedule 3 Part III of the London Local Authorities Act 1990. (The 1990 Act). The Act has been amended in 1994 and 2004 but those amendments are immaterial. Part III S.21 (1) defines 'receptacle' as easel, board, tray, or thing and any basket, bag, box, vessel, stand, including a stall which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article or thing or equipment used in the provision of any service. The concept of a 'receptacle' maybe odd but it reflects the diversity of means to carry out street trading.
3. Street Trading means the selling or exposure or offer for sale of any article ... and the purchase of or offering to purchase any ticket and the supplying or offering to supply any service. S.21 (1) and (2) of the 1990 Act do not alter the matter.
4. The Act applies to the City of Westminster Council [WCC] which has adopted [S1] powers under the Act in the City of Westminster Act 1999 (WEF 25/5/1999) (WCC ACT) street trading is similarly defined, as in the 1990 Act, in the WCC Act.
5. By S.27 (3) of the 1990 Act a borough council may make regulations proscribing standard conditions which they may attach to a street

- trading license. (1) Of WCC Act 1999 stand and conditions for street trading were published.
6. By Regulations under S32 (1) of 1999 standard conditions for street trading licenses are published. WCC applicable to street licenses WEF 15 March 1999 [Issue 0 SL/054 19/04/00] The street trading license condition (14) includes 'No advertisement shall be displayed on the licensed pitch which relates to any goods, commodities and services other than those offered for sale or provided on that pitch.'
 7. "Advertisement" means any word, letter, model, sign placard, board, notice whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used or adapted for the display of advertisements and references to the display of advertisements shall be constructed accordingly.
 8. 'Receptacle' is similarly defined in [S.2] to that within the London Local Authorities Act 1990.
 9. By the WCCA 1999, the council by the Street Trading License does not seek to limit advertisements or their size on the receptacle. S.9 (1) and (2). There are no standard conditions created to control advertisements on receptacles. The WCCA 1999 does not seek to apply the Town and Country Planning Act 1990 (as amended) to Receptacles nor to enable revocation of Street Trading licenses for infringing advertisement controls under town planning, S.15 WCCA 1999. Nor do the WCC Regulations (made pursuant to the powers in S.27 (3) of the 1990 Act) seek to include either the control of Advertisement Order 2007 or its predecessors nor the Town and Country Planning Acts.
 10. Thus the receptacle (kiosk/Stall) is outside the WCC planning requirements for, it is neither a building nor is it land on which an advertisement is displayed nor siting and assembly or operational development for the purposes of the Town and Country Planning Act. The Kiosk is a 'Receptacle' S.21 (1) 1990 Act SS.23 and 2 of the 1999 Act not an advertisement hoarding on land.
 11. It defies the ordinary use of English to define the 'Receptacle' as a shop. Neither the 1990 Act nor WCCA 1999 treats receptacles as shops nor is the word, 'shops' used in either legislation. To put it another way, a 'Receptacle' as defined in the 1990 Acts is outside the scope of the definitions of land or buildings in 2007 regulations (Reg 2(1)).
 12. Even if a receptacle is left over night or the whole kiosk /stall has been on site (the pitch) for many years the standard conditions confirm that the nature is that they are easily removable of receptacles.

13. The fact is Mr Bazdar's Street Trading license does not contain any conditions which seek to control advertisements other than the self-evident requirement that the advertisement (s) must relate to "goods commodities or services offered for sale or provided on that pitch".
14. In my opinion the following conclusions should be reached:-
- 1) Street Trading has the meaning ascribed by Section 21 (1) of the London Local Authorities Act 1990 (The 1990 Act)
 - 2) WCC is empowered to control street trading, within the limitations of the 1990 Act.
 - 3) The kiosk in Piccadilly is a 'Receptacle' and neither a building nor operational development nor land for the display of advertisements.
 - 4) The fact that a street trader uses a stall which is a structure or equipment on the pitch does not make it a building. The sale of items e.g. tickets for a bus does not change the receptacle into a building controlled by the 2007 Regulations nor does a stall become 'a shop'.
 - 5) The 2007 Regulations do not apply to the kiosk/pitch to control advertisements.
 - 6) The conditions on the Street Trading License do not control the size or number of any advertisements. It is arguable that the schemes of the 1990 Act and WCCA 1999 do not contain powers to do so.
 - 7) The WCC have no lawful basis to proceed against Mr O Bazdar under Section 224 (3) of the Town and Country Planning Act as amended.
 - 8) It is open to Mr. O Bazdar in the spirit of willingness to maintain good relations of cooperation with WCC to agree a reduction in signage and submit a planning application.
 - 9) WCC should be written to on a "without prejudice save as to costs" basis and invited to withdraw the prosecution with no order as to costs. If that invitation is refused then significant costs will be sought against WCC. The publicity surrounding the same will reveal WCC's lack of control over advertising on Kiosk's.

T DAVEY

4-5 GRAY'S INN
SQUARE
WC1R 5AH

8 AUGUST 2016

Licence Number	Pitch Number	location of current pitch
01/01825/LI_STE	914	Bickenhall Street, North side of carriageway in line with building line of Baker Street.
05/04690/LI_STE	917	Melcombe Street carriageway, South side in line with Baker Street building line.
05/04758/LI_STE	3028 Broadwick Street	Broadwick Street, North side 10 feet west of Berwick Street, North of and backing onto lamp column and facing number 18 Broadwick Street.
01/01930/LI_STE	1651 St James	Whitehall, footway, 6' North of lamp standard No. 15201.
14/00076/LI_STE	821	Bell Street NW8, carriageway north side, extending south west of a point 14m from the north east building line of Edgware Road
13/01223/LI_STE	911	Acacia Road, outside St. John's Wood Station (footway), 34 feet from east kerbline of Finchley Road.
01/01826/LI_STE	915	Kingsmill Terrace footway next to No. 20 Circus Road.
13/07532/LI_STE	925	Marylebone High Street outside No. 94, 25 feet South of Moxon Street, South kerb.
02/07985/LI_STP	1601	Shepherd Market between No's. 5 and 10 footway fronting No. 28.
08/08297/LI_STE	1602	Whitcombe Street, footway west side, backing onto kerb and facing No.39 Coventry Street.
01/01876/LI_STE	1607	Lupus Street carriageway outside No. 93
08/05356/LI_STE	1612	Villiers Street, West side near junction with Strand 32' from back of Strand footway.
11/10295/LI_STP	1618	Piccadilly Circus
07/02085/LI_STE	1619	Duncannon Street, North footway, 4' East of St. Martin-in-the-field Church steps.
13/05436/LI_STE	1773	Cumberland Gate, backing onto Hyde Park, facing steps to subway 9 near North entrance to car park opposite Edgware Road.
01/01999/LI_STE	1776	Bridge Street, immediately adjacent to the East kerbline in front of Westminster Pier steps.

EXTENSION SIZE
NO PLANNING 2020

13/00015/LI_STE	1791	Carlton House Terrace opposite the statue in Waterloo Place, SW1 75% discount 1 October to 31 March (does not state the year)
01/02010/LI_STE	1793	Piccadilly, West side of Gateway to Queen's Walk, backing onto LTS building.
06/03872/LI_STE	1796 Wilton Road	Wilcox Place SW1, on pedestrianised area, within the recessed frontage and commencing 4'4" from the north-west building line of No.107 Victoria Street, 10' south-west of the pedal cycle bay.
01/01895/LI_STE	1621 HW-West End	Piccadilly, South side footway adjacent to brick wall between Ritz Hotel and entrance to Green Park 5' from Green Park entrance.
16/03561/LIIS or 09/07859/LI_STP	1626 st James	Temple Place (walkway fronting Temple Station), immediately in front of boundary, wall of Victoria Embankment Gardens and commencing 4' from step (footway).
06/05748/LI_STE	1629 St James	Whitehall
15/08807/LI_STE	1631 HW-West End	Knightsbridge, north footway near Hyde Park corner, east of ramp to pedestrian subway opposite Lanesborough Hotel.
13/05407/LI_STE ✓	1632 HW- West End	Piccadilly, north footway junction with Piccadilly Circus outside former Tower Records, 4.57m west of Piccadilly Circus frontage.
05/06195/LI_STE	1633 HW -West End	Regent Street, outside No. 52, on footway adjacent to guard-rail, 10' from portico of No. 52 Regent Street.
01/01917/LI_STE	1638 St James	Victoria Street, South side fronting Victoria London Transport Station (opposite 162 Victoria Street).
01/01918/LI_STE	1641 St James	Whitehall, outside Scottish Office footway.
01/01919/LI_STE	1643 St James	Bridge Street, East side footway outside Westminster London Transport Station
01/01926/LI_STE	1647 St James	Embankment Place, footway, 12' East of railway bridge at point 10' from kerbline.

01/01929/LI_STE	1649 St James	Trafalgar Square, east side footway near junction with Strand, adjacent to railings to subway, south corner of South Africa House.
01/01932/LI_STE	1652 St James	Spring Gardens footway and carriageway East side junction with Cockspur Street in line with building line on west side
01/01933/LI_STE	1654 HW-West End	Regent Street, North footway junction with Glasshouse Street by Piccadilly Circus, backing onto railings of subway entrance facing South.
01/01936/LI_STE	1664 Knightsbridge 31	Exhibition Road, West side carriageway in line with Imperial College Road.
08/02728/LI_STE	1665 St Georges	Terminus Place outside Shakespeare Public House, Terminus Place, carriageway, 5' East of building line.
01/01941/LI_STE	1667 St James 33	Piccadilly footway between Ritz Hotel and Green Park Underground Station, 14' West of flank wall of Ritz Hotel.
18/01355/LI_STE	1671 HW-West End 33	Piccadilly Circus, footway against railings of entrance to Piccadilly Circus Underground Station fronting London Pavillion
01/01951/LI_STE	1673 St James	Regent Street outside Lillywhites, backing onto subway entrance, East side lower Regent Street junction Piccadilly Circus
01/01955/LI_STE	1675 Belgrave Square	Belgrave Square SW1, carriageway south-east corner of square, parallel with and immediately adjacent to the northernmost residents parking bay.
03/02770/LI_STE	1676 St James	Trafalgar Square, South East corner, facing South Africa House, backing onto guard-rails.
17/08055/LI_STP	1679 Hyde Park	Knightsbridge, backing onto Hyde Park corner at top of subway 3, North side near Hyde Park corner.
01/01962/LI_STE	1683 St James	Piccadilly, outside St. James Rectory, 197 Piccadilly, 5' West of Church Place, South footway of Piccadilly.

01/01965/LI_STE	1689 HW -West End	Piccadilly junction with Regent Street, footway, flank wall of 217 Piccadilly, South West corner of Piccadilly Circus.
01/01970/LI_STE	1696 HW -West End	Wardour Street, footway west side, backing onto kerb in line with Building line of and facing No.1 Coventry Street
11/02883/LI_STE	1700 St James	Victoria Embankment, backing onto river wall, 4.11m North of North ticket kiosk, on West pier footway.
05/04732/LI_STE	1701 New Bond Street	New Bond Street carriageway, South of paved area junction with Clifford Street.
11/07922/LI_STE	1703 HW-West End	Glasshouse Street, footway at apex of guard-rail of Regent Street and Glasshouse Street.
05/04734/LI_STE	1714 St James	St. Martin's Place, West footway backing onto railings, 9'6" North of gallery entrance.
02/03848/LI_STE	1727 St James	Embankment Place junction of West Villiers Street on paved area fronting entrance to LTS on right side of entrance.
01/01991/LI_STE	1737 St James	Embankment Place footway to East of Underground Station entrance, North of pitch No. 1647.
05/04739/LI_STE	1771 Regents Park	Marylebone Road, fronting London Planetarium between Allsop Place and lay-by.
07/03958/LI_STE	1772 Regents Park	Allsop Place, East footway outside London Planetarium backing onto kerb
18/05411/LI_STE	1774 HW West-End	Park Lane, near Speakers Corner, top of steps of subway No. 4, backing onto railing at Speakers Corner opposite North Row.
06/02647/LI_STE	1775 HW West -End	Park Lane near Speakers Corner, top of subway No. 7, backing onto Hyde Park opposite Green Street.

01/02002/LI_STE	1779 St James	Adelaide Street adjacent to Western boundary, wall of St. Martins-in-the-Fields church, 12' North of junction Duncannon Street.
01/02004/LI_STE	1784 Knightsbridge	Albert Hall approach Road, West carriageway near to the junction with Kensington Gardens level with buildings line of Albert Hall.
01/02011/LI_STE 01/08511/LI_STE (two licence numbers attached)	1794 St James	James Street WC2, west footway, south of Floral Street, fronting No. 25 and backing onto bollards which define the carriageway.
06/03872/LI_STE	1796 Wilcox Place	Wilcox Place SW1, on pedestrianised area, within the recessed frontage and commencing 4'4" from the north-west building line of No.107 Victoria Street, 10' south-west of the pedal cycle bay.
09/04223/LI_STE	1798 Piccadilly	Piccadilly, north footway, east of junction with Stratton Street, backing onto kerb.
06/07367/LI_STE	3000 Vauxhall Bridge Road	Knightsbridge
01/02017/LI_STE	3001 Vauxhall Bridge Road	Victoria Street on footway, backing onto guard-rails between Carlisle Place and Vauxhall Bridge Road, 5.64m from kerb line of Carlisle Place.
01/02019/LI_STE	3004 Foubert's Place	Centre of Fouberts Place in line with Regent Street, building line.
01/02023/LI_STE	3006 Piccadilly Circus	Piccadilly Circus west footway backing onto guard-rails fronting Tower Records 6 feet north of existing pitch 1618.
05/04752/LI_STE	3007 Regent Street	Regent Street, Lower East footway, backing onto guard-rails facing Lillywhites, 32' from subway entrance.
10/09353/LI_STE	3011 Charing Cross Road	Charing Cross Road WC2, south footway facing rear of National Portrait Gallery, commencing at a point 2' east of lighting column No.15259, backing onto and 18" from kerb edge.

14/00822/LI_STE	3015 Westminster Bridge Road	Westminster Bridge, East side at the top of steps leading to pier and backing onto bridge, facing Boadicea Statue.
03/02233/LI_STE	F3019 Porchester Gardens	Forecourt at Porchester Gardens, side elevation of 112 Queensway
17/08211/LI_STE	F3021 Circus Road	Circus Road, NW8 in front of No's. 13 – 19.
01/02033/LI_STE	F3024 Newport Court	In front of No 19 Newport Court WC2
18/00509/LI_STE	F3025 Gerrard Street	Gerrard Street W1, in front of (a) No.42; (b) No.43; (c) No.44
05/04778/LI_STE	F3026 9-9A Gerrard Street	Gerrard Street W1, in front of No 9a.
04/00984/LI_STE	1662 Oxford Street	Woodstock Street W1 centrally located in line with Oxford Street building line
06/06508/LI_STE	1663 Little Argyll Street	Little Argyll Street North footway adjacent to kerb in line with Regent Street building line
05/04764/LI_STE	1677 Hill's Place	Hills Place West c/way junction with Oxford St in line with Oxford St building line
13/01222/LI_STE	1697 Argyll Street	Argyll Street footway facing number 12/14 in line with railings at gateway
05/04777/LI_STE	1709 Princes Street	Princes Street junction with Regent Street located on central reservation facing Regent Street
10/09538/LI_STE	1710 Davies Street	Davies Street, W1, 0.91m from east kerb, 0.91m south of traffic control signal post, facing east.
04/02336/LI_STE	1711 Dering Street	Dering Street parallel to and 0.91m south of Oxford Street building line, midpoint between the two Dering Street elevations
05/04797/LI_STE	1713 Binney Street	Binney Street in location and of the dimension shown in Appendix A to attached to the licence
05/04818/LI_STE	1717 New Bond Street	New Bond Street east footway, 4' 6" from pedestrian crossing push button pole, 18" from kerb edge.

15/05712/LI_STE	1718 Park Lane	Park Lane E/side adj. to railings at rear entrance to Marble Arch station (backing onto railings subway exit 2 facing Oxford Street)
06/06392/LI_STE	1719 Lumley Street	Lumley Street on paved area, centrally located and in line with Oxford Street building line (ex-North Audley Street)
	1720 Gilbert Street	Gilbert Street west footway, 18" from kerb edge, 1 metre from pedestrian crossing push button pole (facing Oxford Street)
09/03198/LI_STE	1721 Argyll Street	Argyll St on pedestrian area facing Oxford Street and backing onto railings (south of entrance to London Transport Station)
09/03198/LI_STE	1722 Park Lane	Park Lane E f/way backing onto Guard railings of Park Lane near to junction with Oxford St
01/07782/LI_STE	1724 - North Audley Street	North Audley Street, west footway, 3'6" from pedestrian crossing push button pole, 2 metres from pavement lights fronting North Audley Street building line
05/04822/LI_STE	1726 Duke Street	Duke Street (south) east footway, 3' from pedestrian crossing push button pole, 4' from kerb edge
01/06682/LI_STE	1731 Balderton Street	Balderton St W f/way junction with Oxford St building line
05/04818/LI_STE	1792 Charing Cross Road	Charing Cross Road south of junction with Oxford Street
16/01996/LI_STE	3005 Portman Street	Portman Street east footway backing onto kerb 8 feet north of Oxford Street building line.
06/11236/LI_STE	912 Stratford Place	Stratford Place East footway in line with Oxford Street building line
01/01828/LI_STE	916 Tottenham Court Road	Tottenham Court Rd west footway (near junction with Oxford St) backing onto subway railings of subway leading to LT station, clear of TCSU centrally located, facing side elevation of No. 4 Oxford Street.

12/01287/LI_STE	918 Marylebone Lane	Marylebone Lane (East) centrally located on paved pedestrian area of Marylebone Lane, 1 metre behind Oxford St building line
04/00986/LI_STE	919 John Prince's Street	John Princes Street, Oxford Street footway in front of No. 238/240 Oxford Street, adjacent to and in line with pillar nearest to John Princes Street, facing south.
01/01836/LI_STE	928 Bird Street	Bird St centrally located in line with Oxford Street building line longest side parallel to Oxford St.
01/01976/LI_STE	929 James Street	James St footway west side, junction with and parallel to Oxford Street NE corner of pitch 1' from kerbline of James Street, facing Oxford Street
01/01842/LI_STE	930 Duke Street	Duke St (north) west footway, 3'6" from pedestrian crossing push button pole, 18' from kerb (facing Oxford Street)
06/06620/LI_STE	932 Great Castle Street	Great Castle Street footway immediately adjacent to kerb line in line with Regent Street building line
09/08895/LI_STE	933 Great Titchfield Street	Great Titchfield Street East Side carriageway in line with Oxford Street building (partly on carriageway)
01/01850/LI_STE	934 Orchard Street	Orchard St footway outside Marks and Spencer length commencing 2.13m Oxford Street side of column. (Additional length of 1.22m allowed but extra length to be a maximum height of 0.91m)
06/03266/LI_STE	937 Berners Street	Berners St. on carriageway east side, in line with Oxford Street building line
01/01855/LI_STE	938 Oxford Street	Wells St. West f/way junction with Oxford St. in line with Oxford St. building line

01/01858/LI_STE	942 Oxford Street	Old Cavendish Street centrally located on pedestrian area (clear of tactile paving), 11.27m north of kerb edge of Oxford Street
01/01859/LI_STE	944 Oxford Street	Vere Street west footway, 3' from kerb edge, 6' 7" from pedestrian crossing push button pole.
16/07122/LI_STE	945 Oxford Street	John Princes Street West f/way in line with John Princes Street west footway in line with Oxford Street building line central between kerb and building line.



13 February 2018

10:24

Edit

LIVE





31 July 2018
11:03

Edit

HDR





25 July 2018
09:07

Edit



From: [Eugene O' Regan](#)
To: [Pring, Shannon: WCC](#)
Cc: [Ralph, Andrew: WCC](#); [leanne.gellel](#); [St Rose, Rebecca: WCC](#)
Subject: FW: Planning Definitions
Date: 19 January 2021 10:03:43

Morning again Shannon can you please enter this email as well.

Regards

Eugene

From: Eugene O' Regan <eugeneoregan1@gmail.com>
Date: Monday, 18 January 2021 at 11:05
Subject: <no subject>

§15 Sui Generis

'Sui generis' is a Latin term that, in this context, means 'in a class of its own'. Certain uses are specifically defined and excluded from classification by legislation, and therefore become 'sui generis'. These are:

- theatres
- amusement arcades/centres or funfairs
- laundrettes
- fuel stations
- hiring, selling and/or displaying motor vehicles
- taxi businesses
- scrap yards, or a yard for the storage/distribution of minerals and/or the breaking of motor vehicles
- 'Alkali work' (any work registerable under the Alkali, etc. Works Regulation Act 1906 (as amended))
- hostels (providing no significant element of care)
- waste disposal installations for the incineration, chemical treatment or landfill of hazardous waste
- retail warehouse clubs
- nightclubs
- casinos
- betting offices/shops
- pay day loan shops
- public houses, wine bars, or drinking establishments – from 1 September 2020, previously Class A4
- drinking establishments with expanded food provision – from 1 September 2020, previously Class A4
- hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises) – from 1 September 2020, previously

Class A5

- venues for live music performance – newly defined as ‘Sui Generis’ use from 1 September 2020
- cinemas – from 1 September 2020, previously Class D2(a)
- concert halls – from 1 September 2020, previously Class D2(b)
- bingo halls – from 1 September 2020, previously Class D2(c)
- dance halls – from 1 September 2020, previously Class D2(d)

Other uses become ‘sui generis’ where they fall outside the defined limits of any other use class.

For example, C4 (Houses in multiple occupation) is limited to houses with no more than six residents. Therefore, houses in multiple occupation with more than six residents become a ‘sui generis’ use.



City of Westminster

Licensed Trader

Pitch Number

3028

GANNI

36 Beak Street
Soho, London
W1F 9RF

To Whom It May Concern,

RE: Leannes Flowers

I would like to express how beneficial it would be if Leanne and her team could access our stores on Beak Street & Floral Street before our usual trading hours, we regularly hold store trainings, visual merchandising updates and personal shopping appointments from 8am onwards and would prefer if Leanne could access the store for our floral updates before these things happen in store. Since COVID 19 is now an additional factor we need to consider having minimal people in the store at the same time where possible for the safety of the team and Leanne also.

Please feel free to contact me via email if you have any additional questions abbie.fegent@ganni.com

Kind Regards,

Abbie Fegent
Store Manager

From: Nicky Sargent Nicky.Sargent@farmgroup.tv
Subject: Is this any use Leanne? Xxx
Date: 8 Jan 2021 at 09:37:06
To: leannesflowers@hotmail.co.uk
Cc: Vikki Dunn Vikki.Dunn@farmgroup.tv

Dear Leanne,

Happy New Year.

I want to thank you for always being there for me, The Farm's Soho companies and so many people in the Soho area. Your kiosk is a real hub of the community for so many local business people. We are desperate to have you back and Soho open again full-time...you are always amazing at coming to set up early in our various buildings – long before other flower shops are open!

You are such an important Soho supplier; if you weren't there, it would be like the ravens leaving the Tower of London! We are very keen to see your new kiosk. Your beautiful displays are a huge feature of the area and much loved by us and all the businesses around.

I believe that there is still some doubt whether you will be able to have your new kiosk... that seems extraordinary to us. It is a resource for the widest possible Soho community, it a place of beauty and represents the history of the tradition of street-trading in the area, but in a way that is relevant now, does not attract any trouble-makers and is a general source for good. We need to see you again soon Leanne, and will be delighted to continue to support your businesses,

All very best wishes to you and I look forward to the time when I can see you again in person,

Nicky Sargent
Co-Founder

M. [+44 \(0\) 7767820866](tel:+44207767820866)

From: Sarah Zweck Sarah.Zweck@evolutions.tv
Subject: Let me know if this is ok? x
Date: 18 Jan 2021 at 17:08:27
To: leannesflowers@hotmail.co.uk

Sarah Zweck

Client Services Manager and Executive Assistant

www.evolutions.tv

evolutions

Evolutions Logo



020 7580 3333 / 07713 395 880 (mobile)

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evolutions

Berwick Street
London W1F 8BH
02075803333

Evolutions TV
2 Sheraton Street
London
W1F 8BH

Re: Leanne's Flowers Berwick Street

To Whom it may Concern,

I am writing with regards to Leanne's Flowers on Berwick Street with whom we have done business now for over 10 years. It would extremely beneficial for us as a business if Leanne could access our premises out of hours as we have in the past, and will quite often trade at these times (anything outside 8am and 6pm).

This is even more the case for us now with Covid having such a large impact on us and our opening hours. Along with us being able to limit the amount of people in and out of the building at the same time to increase social distance measures.

Many thanks,
Sarah Zweck



Client Services Manager

02075803333

TAG Collective
Arts
1-5 Poland Street
Soho
W1

18th January 2021

To whom it may concern:

My name is Donna Head, I am an Executive Producer at TAG Collective Arts (formerly Big Buoy and Smoke & Mirrors) a visual effects post-production facility in Poland Street, Soho, W1.

Leanne Gellel of Leanne's Flowers has been a supplier of mine since 2006. I trust her implicitly and value her as supplier, so much so that I have worked for three different companies since 2006 all within Soho and she's been on board with me since.

This letter is to assist her with a hearing at (remotely) Westminster on the 27th January.

I would like to confirm that it's imperative for her to have access to our building out of office hours (when we return to work once lockdown is over) Our hours are 0800 – 1800

Unfortunately I cannot provide this letter or headed paper as we are all working from home currently, but my e mail signature provide confirmation of my address of work.

I am available via donna@taggww.com or you can reach me via my mobile 07787 580337 to discuss further or if I can answer an questions to help Leanne's case.

Please do not hesitate to contact me if required.

Yours sincerely

Donna Head
EXECUTIVE PRODUCER

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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 read 'Shannon Pring', set against 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)

Direct dial: 020 7641 3217

E-mail: spring3@westminster.gov.uk

Web: www.westminster.gov.uk/licensing

City for All





City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	20/09709/RESCIN
Date:	16 December 2020
Classification:	For General Release
Title of Report:	Street Trading - Isolated Pitch 1792 Area 1 - Oxford Street, New Bond Street, Piccadilly
Report of:	Director Public Protection & Licensing
Policy context:	To provide a safe, well-regulated environment.
Financial summary:	None
Report Author:	Francisco Franco- Mendes Project Manager – Public Protection & Licensing
Contact Details:	Telephone: 07971 625 903 E-mail: ffrancomendes@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 1792 Charing Cross Road.
Pitches and Locations:	For full detailed pitch description and location see Appendices A
Ward Name:	West End

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 1792 Charing Cross Road as recommended by officers having conducted a suitability assessment of the current pitch location.

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 1792 Charing Cross Road. The pitch is currently not in use owing to several years of construction work related to the Crossrail Programme works at Tottenham Court Road Station, Camden's West End Project and additional development of the site above the station. This has meant the highway has either been hoarded off or under other temporary arrangement.

3. Background

Following the completion of construction works related to Crossrail at Tottenham Court Road Station, the Licensing & Regulatory service commissioned a survey of Pitch 1792 Charing Cross Road to establish its suitability for street trading. Norman Rourke Pryme (NRP) completed a suitability assessment that is attached as **Appendix A**.

Included within the suitability assessment is a plan showing the location of Pitch 1792 Charing Cross Road.

At present there is no street trading licence associated with the pitch and there has not been a kiosk in situ since the beginning of the Crossrail project in 2005. The previous licence holder was temporarily relocated and has subsequently transferred their licence to another designated pitch within the borough.

The Oxford Street District (OSD) Place Strategy was adopted by WCC in 2019 and included a set of 15 principles for the district, which cover this area.

- 3.1 Make the district inclusive, accessible and liveable
- 3.2 Improve air Quality
- 3.3 Improve safety
- 3.4 Take immediate steps to address management
- 3.5 Prioritise pedestrians and value every space
- 3.6 Make the district better for cycling

- 3.7 Support economic growth across the district and promote innovation and experimentation
- 3.8 Design for flexibility
- 3.9 Build from existing and connect the whole district
- 3.10 Create beautifully designed streets, gateways and a diversity of public spaces across the district
- 3.11 Take every opportunity to add additional trees and planting, creating new green spaces and revitalising the garden squares
- 3.12 Enrich the cultural life & identity of the district
- 3.13 Diversify land use and extend the life of Oxford Street
- 3.14 Make Oxford Street Spectacular
- 3.15 Embrace Oxford Street's role as an important sustainable transport corridor for the West End

A copy of the strategy is not included as part of this report due to the size of the document; however, a copy of the document can be found [here](#).

4. Outcome of Suitability Assessment

NRP were commissioned to assess whether Pitch 1792 is in a suitable location for a trader to be licensed to trade based on Highway layout and safety considerations.

NRP concluded that both the highway and the pedestrian levels surrounding Pitch 1792 Charing Cross Road had changed considerably since its designation and as such it is no longer suitable for Street Trading. Therefore, it recommended that Pitch 1792 Charing Cross Road be de-designated.

5. Consultation

In seeking to de-designate Pitch 1792 Charing Cross 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 de-designate the pitch was sent to the Council's Highways Planning Service, relevant Ward Members, Cabinet Member (Cllr Heather Acton City Management & Communities, Property and Regeneration) local stakeholders and amenities societies (New West End Company, West End Community Network)

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

6. Consultation Responses:

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

Email from Sean Dwyer in Highways Planning supporting the sustainability report recommendation to de-designation of Pitch 1792 Charing Cross Road as detailed in **Appendix C**.

- **Metropolitan Police Service:**

Email from the Borough Command Unit Commander, Chief Superintendent Helen Harper acknowledging receipt of the de-designation consultation letter as detailed in **Appendix D**

- **Ward Councillors:**

Email from Councillor Glanz Lord Mayor of Westminster as detailed in **Appendix E** stating that prior to being Lord Mayor he supported the removal pitches. He believes that the need to

maintain social distancing has increased the rationale for removing them from crowded streets and pinch points.

- **West End Traders Association (WESTA)**

Email from Nichola Kerr on behalf of WESTA supporting the de-designation of Pitch 1792 as a result of the previous license holder being granted a permanent street trading license for Pitch 1717 New Bond Street Charing Cross Road as detailed in **Appendix F**

7. 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.*

8. 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.

9. 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 A	Suitability assessment completed by NRP
Appendix B	Consultation letter sent to relevant parties
Appendix C	Response from Highways Planning
Appendix D	Response from BCU Commander, Chief Superintendent Helen Harper
Appendix E	Response from Councillor Glanz
Appendix F	Response from West End Street Trading Association

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Francisco Franco-Mendes** at ffrancomendes@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



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OXFORD STREET DISTRICT

CHARING CROSS ROAD

STREET TRADING PITCH ASSESSMENT

WESTMINSTER CITY COUNCIL



QA RECORD:

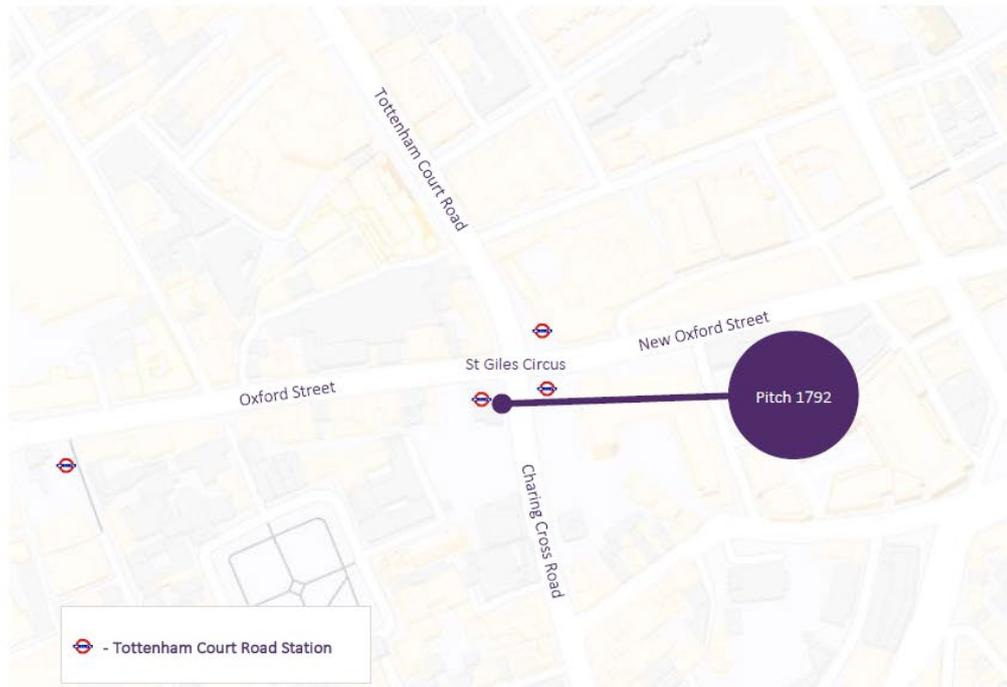
DOCUMENT REF	6993TN09	Rev	0.1
DRAFTED BY	Joel Cockhill	Date	07 February 2020
CHECKED BY	Keith Firth	Date	07 February 2020
APPROVED BY	Keith Firth	Date	07 February 2020

07 FEBRUARY 2020

1 INTRODUCTION

- 1.1.1 Westminster City Council has commissioned NRP’s Traffic and Transport Team to assess the location of street trading pitch No. 1792 on Charing Cross Road. The pitch is currently not in use (i.e. no kiosk occupying the pitch) owing to several years of construction work related to Tottenham Court Road Station, Camden’s West End Project and development of the site above the station. This has meant the footway area has either been hoarded off or under a temporary arrangement.
- 1.1.2 The final kerblines and pedestrian crossings are now in place at St. Giles Circus with the exception of the diagonal crossings, which are due for implementation later this year. This report assesses whether or not the pitch is now in a suitable location for the trader to return based on the new highway layout and safety considerations.

Figure 1: Location plan

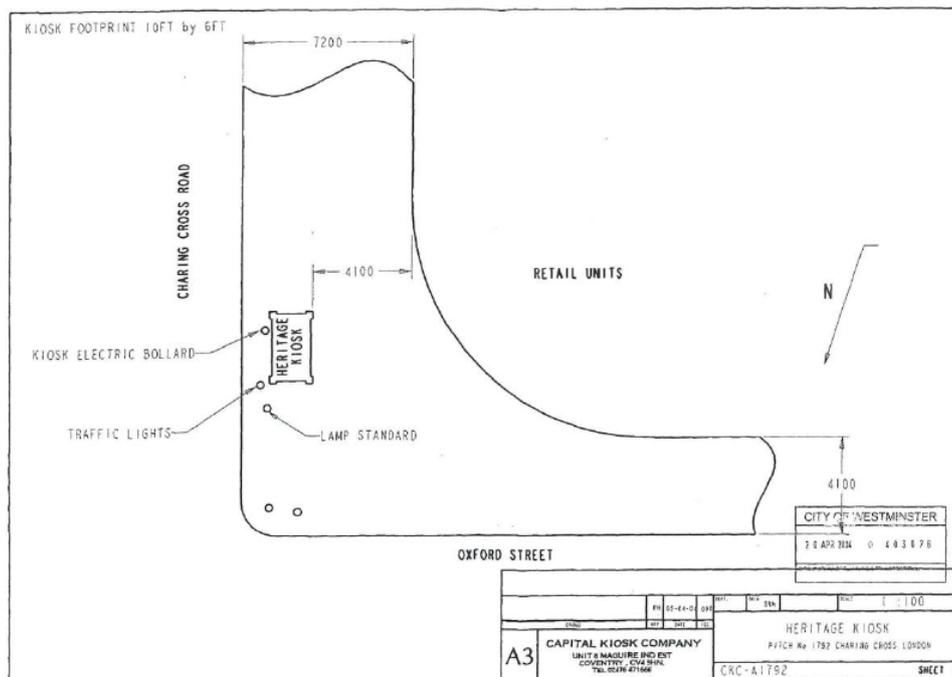


2 HIGHWAY LAYOUT CONSIDERATIONS

2.1 Highway layout and pitch location

- 2.1.1 Prior to the recent Tottenham Court Road Station and Crossrail works, pitch 1792 was located on a 7.2m wide section footway at the northern end of Charing Cross Road on the west side, immediately south of the signalised pedestrian crossing at St Giles Circus. Figure 2 shows the drawing associated with the pitch (this has a rotated view – see north arrow). The remaining footway width adjacent to the kiosk was 4.1m according to this diagram.

Figure 2.1: Pitch 1792 license drawing



- 2.1.2 However, since then the highway layout and junction design at St Giles Circus has changed dramatically. Charing Cross Road has been converted to two-way and the crossings have been widened significantly to cater for the growth in pedestrian demand and avoid overcrowding.

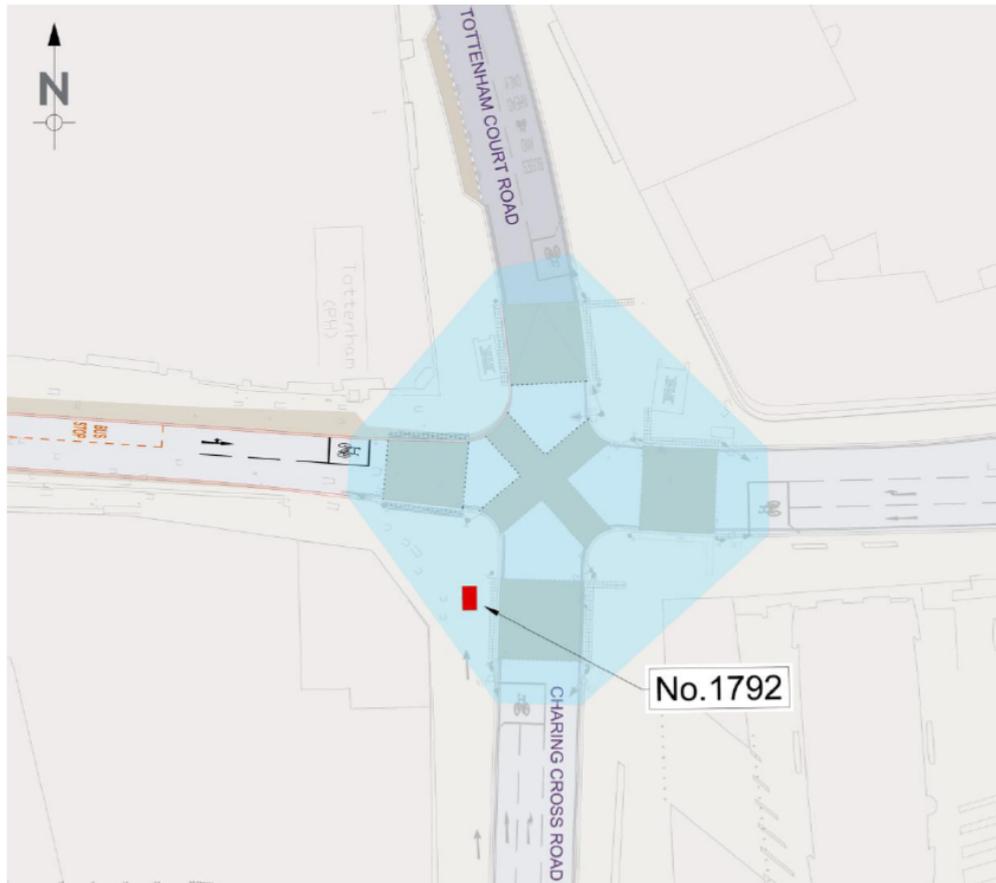
2.2 Obstruction to pedestrian movement

- 2.2.1 The pitch is located in line with the pedestrian crossing across Charing Cross Road and is therefore directly on the walking desire line (see Figure 3). A kiosk would cause severe obstruction to pedestrian movement and goes against the principles of the Oxford Street District Place Strategy, The Westminster Way streetscape guidance as well as TfL and DfT guidance. These documents all suggest that any street furniture is positioned in a line and away from desire lines to maximise the useable footway width and minimise obstruction to movement. This is particularly critical in this Central London context adjacent to large walking trip generators. The analysis of pedestrian comfort is addressed later in this report.

2.3 Junction intervisibility

2.3.1 The TfL SQA-643 Design of Signalised Junctions standard in London states that an intervisibility zone around a signalised junction should be clear of large visual obstructions. Using this methodology the pitch would be within this zone and would therefore be considered a safety issue and can be expected to be raised in a Road Safety Audit. If the kiosk attracts groups of people to gather, then this accentuates the intervisibility problems. The junction intervisibility zone is shown in Figure 3.

Figure 2: Junction intervisibility assessment



3 PEDESTRIAN COMFORT LEVEL ANALYSIS

3.1 Pedestrian flow

3.1.1 The volume of pedestrians has, as expected, grown considerably since the kiosk was removed owing to the new ticket hall entrance adjacent to the pitch location. Furthermore, footfall in this area is forecast to significantly increase further following the launch of the Elizabeth Line, which will serve Tottenham Court Road Station.

- 3.1.2 An analysis by WSP determined that the footway on the southern side of Oxford Street would see footfall rise from 6,290/hr (2015 counts) to 13,656/hr during the peak once the Elizabeth Line is fully operational. Using the TfL Pedestrian Comfort Guidance¹, this section of footway would achieve a Pedestrian Comfort Level (PCL) score E (“very uncomfortable”). Over-crowding on footways, particularly near junctions and crossings, can lead to pedestrians stepping injudiciously into the carriageway.
- 3.1.3 If it is assumed that this same flow crosses Charing Cross Road at St Giles Circus at the crossing which is obstructed by the pitch, the PCL score of the crossing would be E (“very uncomfortable”) if the obstruction is taken account of.
- 3.1.4 Outside the station entrance, there is also anticipated to be static pedestrian activity where people are waiting to meet others and busking activity is common. At the pitch location, there are cross-flows of both north-south and east-west walking movements.
- 3.1.5 This illustrates the degree of crowding that there is expected to be in the vicinity of the pitch and the detrimental impact of locating a kiosk at this pitch location. Pedestrian flow data and forecasting is not currently available for the western footway of Charing Cross Road.

4 OTHER CONSIDERATIONS

4.1 Oxford District Place Strategy

- 4.1.1 The Oxford Street District (OSD) Place Strategy² was adopted by WCC in 2019 and included a set of principles for the district, which includes this area. A number of these conflict with the pitch location:
- *Make the district inclusive, accessible and liveable* – large obstructions in crowded areas such as the pitch location causes problems for those with access requirements
 - *Improve safety* – the pitch is within the junction intervisibility zone and there is a road safety concern
 - *Prioritise pedestrians and value every space* – pedestrian movement is a high priority in this crowded space and the pitch is obstruction to this
 - *Design for flexibility* – the pitch is a fixed, large item of street furniture that makes it more difficult to hold events etc
 - *Build from existing and connect the whole district* – the pitch location blocks views down Charing Cross Road and discourages movement into the district
 - *Create beautifully designed streets, gateways and a diversity of public spaces across the district* – St Giles Circus is the eastern gateway into the district and will operate as a public space. Any street furniture needs to be carefully considered as part of the design process.

¹ TfL Pedestrian Comfort Guidance for London: <http://content.tfl.gov.uk/pedestrian-comfort-guidance-technical-guide.pdf>

² OSD Place Strategy: <https://www.westminster.gov.uk/oxford-street-district>

4.2 Designing out crime

- 4.2.1 The kiosk would create visual blackspots, reduce surveillance and create a bottleneck of pedestrian congestion, with opportunities for antisocial behaviour and petty crime.

4.3 Evacuation or closure of the station

- 4.3.1 In the event that Tottenham Court Road station needs to be evacuated or if the ticket hall closes and passengers queue to enter, there would be large numbers of static pedestrians in the vicinity of the pitch compounding the crowding issues discussed above. TfL Guidance³ requests that the footway space must be designed to cater for this scenario and any obstacle to movement, such as a large kiosk, should be removed from the vicinity.

5 CONCLUSION

- 5.1.1 The pitch location does not take account of two key factors which have changed since it was last occupied:
- The highway layout has changed
 - Pedestrian flow is forecast to significantly increase
- 5.1.2 The analysis of these factors presented above leads to the conclusion that the pitch is no longer suitable for a kiosk on pedestrian amenity and pedestrian safety grounds.

³ TfL – Interchange: best practice and guidance: <http://content.tfl.gov.uk/interchange-best-practice-guidance.pdf>

Appendix B - Consultation letter

Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP

020 7641 6000
westminster.gov.uk



City of Westminster

FAO The West End Traders Association

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

Tel. No: 07971 920 413

Date: 08 June 2020

Dear Mr Watson & Ms Kerr

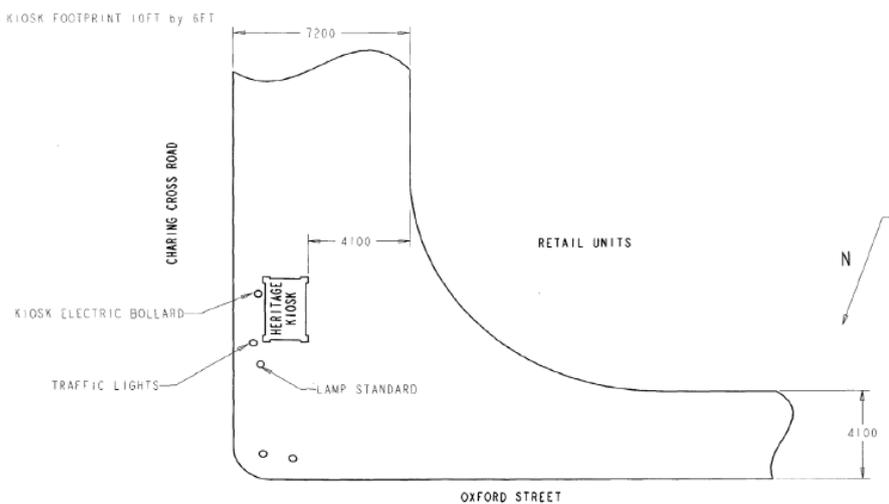
INTENTION TO RESCIND DESIGNATION: PITCH 1792 CHARING CROSS ROAD

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 1792 on Charing Cross Road.

Reason: The pitch is no longer suitable for street trading as a kiosk situated in this vicinity would impact on health and safety of pedestrians.

The pitch is located in line with the pedestrian crossing across Charing Cross Road and is therefore directly in the walking desire line. A kiosk would cause severe obstruction to pedestrian movement.

Pitch 1792 Charing Cross Road is located on Charing Cross Road south of the junction with Oxford Street. The designated pitch dimensions are Length: 3.04m Width: 1.82m. The following image highlights the location of the pitch designation:



Following the completion of construction works related to Tottenham Court Road Station, a pitch suitability assessment was undertaken. The Highways Department instructed Norman Rourke Pryme (NRP) to assess the location of the above pitch to determine whether it is suitable to position a kiosk in that location and therefore appropriate to be licensed. I attach a copy of the NRP assessment for your consideration.

At present there is no licence associated with the pitch and there has not been a kiosk on the site since the beginning of the Crossrail project in 2005. The previous licence holder was temporarily relocated and has subsequently transferred their licence to another designated pitch within the borough.

Anyone wishing to make representations in respect the Council's application should do so by 31st August 2020. Due the current Coronavirus pandemic we ask that all representations be made in writing by email to streettradinglicensing@westminster.gov.uk. Any representations that get posted to the above address could be delayed or missed entirely.

Yours sincerely,



Francisco Franco-Mendes
Licensing & Regulatory Services Team

Appendix C – Response received from Highways Planning

RE: Highways planning - Notification of intent to rescind designation - Pitch 1792



Dwyer, Sean: WCC
To: Franco-Mendes, Francisco: WCC
Cc: street.tradinglicensing: WCC

Follow up. Start by 03 August 2020. Due by 03 August 2020.
You forwarded this message on 03/08/2020 16:30.

Reply Reply All Forward ...
03/08/2020

Francisco

Thank you for consulting Highways Planning on this case.

I would support the de-designation of the pitch for the reasons given in NRP's report.

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

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.



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Appendix D - Response from BCU Commander, Chief Superintendent Helen Harper

RE: FAO Borough Commander- Notification of intent to rescind designation - Pitch 1792



Helen.Harper@met.police.uk
To: Franco-Mendes, Francisco: WCC

Reply Reply All Forward
Mon 03/08/20

Dear Franco seen and noted

Many thanks

Hope your OK to take care

Speak soon

Helen

From: Franco-Mendes, Francisco: WCC <francomendes@westminster.gov.uk>
Sent: 03 August 2020 10:16
To: Harper Helen - AW-CU <Helen.Harper@met.police.uk>
Subject: FAO Borough Commander- Notification of intent to rescind designation - Pitch 1792

Dear Helen,

I hope you are well!

Please see attached the suitability assessment and Notification of intent to rescind designation for Pitch 1792 - Charing Cross Road

Anyone wishing to make representations in respect the Council's application should do so by 31st August 2020. Due the current Coronavirus pandemic we ask that all representations be made in writing by email to streettradinglicensing@westminster.gov.uk. Any representations that get posted to the Council at City Hall could be delayed or missed entirely.

Kind regards,

Francisco Franco-Mendes
Project Manager
Public Protection & Licensing

Westminster City Hall
64 Victoria Street

Appendix E – Response from Councillor Glanz

RE: Cllr Glanz - Notification of intent to rescind designation - Pitch 1792



Glanz, Jonathan (Cllr): WCC
To Franco-Mendes, Francisco: WCC

You replied to this message on 05/08/2020 09:52.

Reply Reply All Forward

Wed 05/08/2020 09:3

Dear Francisco

Many thanks for your email relating to West End Ward.

I have now been elected to serve as Lord Mayor of the City of Westminster. The role of Lord Mayor, as First Citizen of Westminster, is strictly non-Party political. Therefore, during my tenure, I am precluded from taking part in any case work relating to West End Ward, or engaging in any political debate.

Please could you therefore address your enquiries just to my fellow West End Ward Councillor colleagues, Cllr Tim Barnes tbarnes@westminster.gov.uk and Cllr Pancho Lewis, plewis@westminster.gov.uk who, I am sure, will respond to you in early course and do what they can to help.

However you will recall that before I became Lord Mayor I have always supported the removal and extinguishment of these pitches. The needs to maintain social distancing have only increased the rationale for removing them from crowded streets and pinch points.

Councillor Jonathan Glanz

Lord Mayor of Westminster



The Right Worshipful the Lord Mayor of Westminster
Westminster City Hall | 64 Victoria Street | London | SW1E 6QP
 020 7641 2021 | jglanz@westminster.gov.uk

The Lord Mayor's appointed Charity is Centrepoint. If you would like to support this cause, please follow the link below:

<https://www.justgiving.com/campaign/LordMayorOfWestminster-Centrepoint-20-21>

Appendix E - Response from West End Street Trading Association

From: Nichola Kerr <nichola_kerr@me.com>

Sent: 10 August 2020 11:27

To: street, tradinglicensing: WCC <streettradinglicensing@westminster.gov.uk>

Cc: Franco-Mendes, Francisco: WCC <ffrancomendes@westminster.gov.uk>; Wally Watson <wallywatson@kws-imports.co.uk>; David Chambers <david.a.chambers@outlook.com>

Subject: Re: Notification of Intent to De-designate Pitch 1792- Charing Cross Road

Morning Street Trading Team

Thank you for your email dated 3 August informing WESTA of the proposal to de-designate Pitch 1792. As Mrs Munro has been granted a permanent street trading licence for 1717, WESTA would support the de-designation of Pitch 1792. I shall be grateful to receive an acknowledgement of this email and details of the date this matter is scheduled to be heard by the Licensing Sub-Committee.

Kind regards
Nichola Kerr
(On behalf of the West End Street Traders Association)

On 3 Aug 2020, at 09:54, Franco-Mendes, Francisco: WCC <ffrancomendes@westminster.gov.uk> wrote:

Dear Mr Watson & Ms Kerr,

Please see attached the suitability assessment and Notification of intent to rescind designation for Pitch 1792 - Charing Cross Road

Anyone wishing to make representations in respect of the Council's application should do so by 31st August 2020. Due to the current Coronavirus pandemic we ask that all representations be made in writing by email to streettradinglicensing@westminster.gov.uk. Any representations that get posted to the Council at City Hall could be delayed or missed entirely.

Kind regards,

Kind regards,
Francisco Franco-Mendes
Project Manager
Public Protection & Licensing

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