



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 26th May, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aziz Toki, Maggie Carman and Jim Glen

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. PITCH, 1726 DUKE STREET

WESTMINSTER CITY COUNCIL LICENSING – SUB-COMMITTEE NO. 6

Thursday 26th May 2022 – ITEM 1

Membership: Councillor Aziz Toki (Chairman) Councillor Maggie Carman and Councillor Jim Glen

Officer Support	Legal Adviser:	Michael Carson
	Policy Officer:	Aaron Harding
	Committee Officer:	Jack Robinson-Young
	Presenting Officer:	Shannon Pring

Application for a Variation of a Street Trading License in respect of Isolated Pitch 1726 Duke Street 05/04822/LI-STE

Other Parties Present: WESTA – West End Street Trading Association (Wally Watson)

Full Decision

Premises

Isolated Pitch 1726 Duke Street

Applicant

Mr Paul Simon Stein

Cumulative Impact Area

None

Ward

West End

Special Consideration Zone

None

Summary of Application

The Sub-Committee has determined an application for a Variation of a Street Trading Licence under the Licensing Act 2003 ("The Act"). The Licensing Authority seeks to amend the Licensable activities of the Street Trading License.

There is a resident count of 477.

Representations received

- WESTA (Wally Watson).

Summary of issues raised by objectors

The Licensing Authority sought to amend an error made previously by themselves whereby the sales of sausages were an approved commodity for sale.

Policy Position

The Street Trading Policy under the City Council's Statement of Licensing Policy applies (SLP).

SUBMISSIONS AND REASONS

The Chair of the Sub-Committee invited Mr Stein, the license holder, to open proceedings by explaining why he was objecting to the Licensing Service seeking to amend his license.

The license holder explained that he applied for his license on the 7th of July 2019 and initially no payment was taken. Mr Stein then had to chase Council Officers to

get payment taken, which was 4 or 5 weeks later. A year after this, the Licensing Service telephoned Mr Stein to address the issue regarding sausages on his license and offered to amend this free of charge as the Licensing Service appreciated this was their error. Mr Stein declined and wished, and still wishes, to have his license as is and unamended. During this period from his license being granted and the Licensing Service being in touch, he had spoken to several senior licensing officers and not one had mentioned the issue regarding sausages. Other license holders also selling food have theirs raw and on display, where as Mr Stein explained the food that he sells is vacuum packed and precooked, meaning that when he does have an order, the cooking time is greatly reduced, and food is only opened on demand.

The license holder said he cannot understand why the Licensing Authority has called this hearing. Mr Stein does not emit negative odours as some traders do and he also collects, retains and disposes of all his own litter. He also explained that his advertising is printed on to his kiosk and does not have garish neon signage.

The Sub-Committee asked about the sausages in question and how exactly they were prepared. Mr Stein explained again they are all vacuum packed and raw meat does not sit out in the open creating odours. They also come part cooked which are placed in a cooler and only taken out on-demand when a person comes to the kiosk to order one. He again reiterated he causes very minimal smells and very minimal amounts of litter.

The Sub-Committee asked how long the Applicant had been operating and selling sausages, Mr Stein replied and said around 2 years with his kiosk inside and outside to sell, specifically, sausages. He explained that he has not worked over much of the pandemic despite the Council still taking fees from him.

The Sub-Committee asked about different traders who sell meats that are on display and asked if they were being sold in the area. Mr Stein said that these licenses for those who do sell meats on display were granted after his license was. The Licensing Service explained that they could not give a definite yes or no without reviewing every license having been granted which they did not have at the Committee today. The Licensing Service did say that this could be the case but again, could not confirm.

The Sub-Committee asked the Licensing Service what the original point of Specification Order was. The Licensing Service explained that it was to prevent queues forming but they were not aware of any queues forming on Duke Street however, it would have been the Enforcement Service that would have dealt with this, not the Licensing Authority.

The Licensing Service explained that they did give Mr Stein the opportunity to remove sausages from his license free of charge and it was the Licensing Service who had made the error on the license. The Sub-Committee pointed out that the kiosk has in large text the words "Premium Sausages" on the front and asked the Mr Stein if it would be easy to change this. Mr Stein replied explaining that "Premium Sausages" was his business. He went on further to explain that having fish and chips or chicken as the main part of his business would simply make him the same as

every other trader. Sausages are his unique selling point and the note of differentiation from everyone other street trader.

The Chair of the Sub-Committee called WESTA, the West End Street Traders Association, to present to the Sub-Committee. Wally Watson the chair of WESTA addressed the Sub-Committee explaining that WESTA had been in consultation with the Council when the Specification Order was introduced. Describing the thought behind it, this was at a time when the stalls on Oxford Street were moving away from flowers, fruits, and souvenirs and more towards burger vans, hot dog stands and other hot food premises. The Specification Order sought to address businesses of this kind and was not intended for the kiosk run by Mr Stein before the Sub-Committee today. WESTA also explained that the way in which food is cooked has changed since the Specification Order was brought in and the advancement in food preparation has reduced the amount of odour and litter produced. WESTA suggested that Mr Stein would not have been someone that the Specification Order sought to deal with but that he did fall within the remit of the Specification Order. WESTA volunteered to work with Elected Members and Council Officers to change the Specification Order going forward as WESTA deemed it to be a blunt instrument.

The Sub-Committee agreed that a hot dog stand from 10 or 15 years ago would emit negative odours, but this was not comparable to what Mr Stein was serving. Having heard from all parties present, the Sub-Committee adjourned to deliberate.

Upon returning, the Chair of the Sub-Committee thanked Mr Stein and the chair of WESTA for attending and stated that they had heard new evidence from Mr Stein and WESTA regarding the Specification Order and the grounds on which this should be reviewed and as such, the Sub-Committee had agreed to adjourn this decision and in the meantime are content for the license holder Mr Stein to continue to trade under his current license conditions. This would be subject to no complaints being received from the general public regarding his operations. The Sub-Committee felt that having never received a complaint, Mr Stein was running a business that fell in line with the wider Licensing Conditions.

Conclusion

The Sub-Committee agreed to adjourn the meeting pending a decision when the issue returns to the Sub-Committee.

Licensing Sub-Committee 26 May 2022

2. AMK FOOD AND WINE, 35B QUEENSWAY, LONDON, W2 4QJ

This application was adjourned to a later date.

The Meeting ended at 10.45 am

