



City of Westminster

Licensing Sub-Committee Report

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| Item No: | |
| Licensing Ref No: | 16/02334/LIPRS |
| Date: | 7 July 2016 |
| Classification: | For General Release |
| Title of Report: | Isolated Pitch F3026(a) 9-9A Gerrard Street W1D 5PN |
| Report of: | Director of Public Protection & Licensing |
| Policy context: | To provide a safe, well-regulated environment. |
| Financial summary: | None |
| Report Author: | Taruna Adnath Environmental Health Case Officer – Street Licensing |
| Contact Details: | Telephone: 020 7641 71496 E-mail: tadnath@westminster.gov.uk |

PROPOSAL DETAILS

| | | |
|---|--|---|
| <p>Proposal:</p> | <p>Designation of a new Isolated street trading pitch to be designated in Gerrard Street</p> | |
| <p>Pitch and Location:</p> | <p>Isolated Pitch F3026(a) – 9-9A Gerrard Street (L3.20 W1.6m –located on the left side of the entrance New Loon Moon Ltd)</p> | |
| <p>Ward Name:</p> | <p>St James</p> | |
| <p>Proposal and Reason for Recommendation:</p> | | <p>Matter for consideration</p> |
| <p>A SUMMARY OF PURPOSE OF THIS REPORT:</p> <p>The Licensing Sub Committee is asked to consider the results of the statutory consultation to create a new isolated street trading pitch in Gerrard Street</p> <p><u>B Licensing Background:</u></p> <p>The Licensing Service has received a request from Mr Andre Cheong, Managing Director at New Loon Moon Ltd to create a new isolated street trading pitch to be located on the left entrance of the building located at No 9a Gerrard Street, measuring 1.6 metres wide and 3.20 metres length and trading selling Fruits and vegetables Monday to Sunday from 12:00 to 20:00.</p> <p>The applicant has stated that the creation of the new isolated street trading pitch will mirror the existing street trading licence F3026 and the new pitch will enhance the feel and cultural attraction of China Town.</p> <p>See Appendix A for the request and photographs of proposal and location plan</p> <p>C EXISTING STREET TRADING LICENCE</p> <p>On 25 October 2000, Mr Andre Cheong was granted a street trading licence pursuant to section 9 of the Act to allow him to engage in street trading on Monday to Sunday from 12:00 to 20:00 on pitch F3026 9a Gerrard Street. The licence authorised the sale of costume fruits and vegetables. A copy of the licence is attached as Annex B</p> <p>In seeking to designate the new isolated pitch the Licensing service is taking into account the views of the Planning Unit and Highways Department.</p> <p>This report is not to grant the street trading licence but to designate a new isolated pitch. If members are minded to grant this new proposal, applications to fill the area designated would be subject of a different process.</p> <p>Full responses to the statutory consultation are included in the report.</p> <p><u>Relevant Responses:</u></p> <p>City Planning Robert Ayton, Head of Design & Conservation, WCG Planning - Central Area has submitted an adverse representation to this proposal stating that the public</p> | | <p>Passing a new resolution to create a new isolated Pitch F3026A (L3.20 W1.6m –located on the left side of the entrance New Loon Moon Ltd) For Fruits and Vegetables Monday to Sunday between 12:00 to 20:00</p> |

| | |
|--|---|
| <p>highway in Gerrard Street should not be used for trading purposes and is opposing a further street trading licence in front of a listed building. Appendix C</p> <p>Highways The Highways Planning officer has no objection to this proposal in principle but queried whether planning permission should be obtained before determining whether or not to designate the new pitch as a licenced street. Appendix D</p> <p>Note: <i>Street trading Policy ST1 –STALL DESIGN states at paragraph 1(6): Planning permission will be required for all stalls not removed at night.</i></p> <p>The stall for the present application will be removed.</p> <p>Metropolitan Police No response has been submitted</p> <p>Ward Councillors No response has been submitted</p> | |
| Current Licensing Position | There is a street trading licence in force to permit street trading under the City of Westminster Act 1999 on pitch PF3026. Annex B |
| List of Appendices: | <p>Appendix A - Applicant's proposal, location plan and photographs</p> <p>Appendix B - Pitch F3026 Street Trading Licence</p> <p>Appendix C- Response from City Planning</p> <p>Appendix D- Response from Highways</p> |
| Results of Ward Member Consultation | No response has been received from the Ward Councillors following the Statutory consultation |

1. STREET TRADING POLICY

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

Designation and De-designation- Policy ST5

Policy ST5 (III) states:

- (i) *The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances*

Note: The Licensing Service is of the view that the applicant has not identified any exceptional circumstances to support the creation of the new isolated pitch in line with the Street Trading Policy

2. LEGAL FRAMEWORK

- 2.1 Under the provisions of Section 5(1)(a) of the City of Westminster Act 1999 (the Act) the council may pass a resolution designating a street or part of a street in the city as a licence street (a designating resolution).
- 2.2 Under the provisions of section 6(1) of the Act, the council must, before passing such a resolution consult the Commissioner of Police, Highway Authority, any body representing the

relevant street traders, and all licence holders who might reasonably be affected by the proposed resolution.

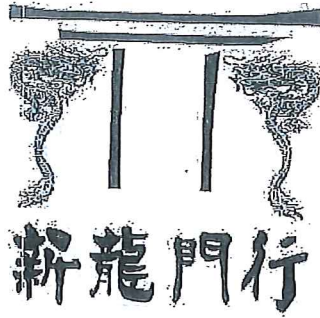
- 2.3 Section 6(5) of the Act provides that the council shall give to any person who makes representations by the due date an opportunity to make oral representations to the council and may at their discretion give to other persons making representations a similar opportunity.
- 2.4 For the present exercise officers have extended consultation to include the Planning Department.
- 2.5 There is no appeal against any decision to refuse to designate a street as a licensed street and any procedural deficiencies may also be challenged by an application to the High Court for Judicial Review.

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Taruna Adnath** on **020 7641 1496** or at tadnath@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

APPENDIX A



Ms Taruna Adnath
Street Licensing
City of Westminster
Environment & Planning Dept
Westminster City Hall
63 Victory Street
London
SE1 6QP

Sunday, 13 December 2015

Dear Ms Taruna Adnath,

Reference: APPLICATION FOR NEW STREET TRADING LICENSE

New Loon Moon Ltd would like to apply for a new street trading license and pitch designation. The area we would like to apply for, extends 1.6 meters from the building and runs the length of the store front, about 3.20 meters. This area would be an area of 5.12 square meters.

We believe that the gutter forms a most appropriate physical boundary and also allows free flow during bad weather. We would like to point out that we would occupy the area during the pedestrian times of the street (Mon to Sun 12:00 to 20:00), thus allowing free passage to the general public when there is traffic in the street.

Please find enclosed pictures (Appendix 1) and a drawing of the area with measurements (Appendix 2) of where we would like to use. We have chosen an area that is bound by physical features thus making it easy to define when in the street.

We hope the drawings satisfy your requirements and should you require any more information please feel free in contacting us.

The area would be used to display foodstuff, fresh fruit, vegetables and items that form the main part of the trading business. We would of course maintain the area in a strict condition of cleanliness and avoid all hazards to the general public.

We are requesting that our current Pitch (F3026) is mirrored onto the opposite side of the premises. In short, we believe that this will enhance the feel and cultural attraction of China Town.

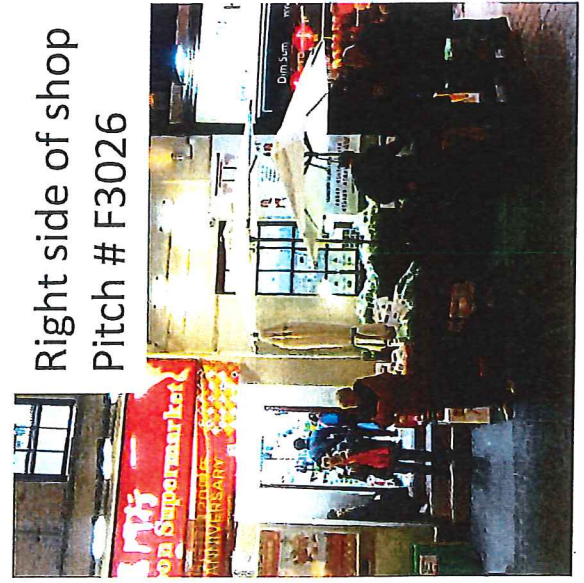
We are grateful for your consideration in this matter and look forward to receiving your reply.

Yours Sincerely

Mr. N. I. André Cheong
Managing Director

New Loon Moon Ltd
9a, Gerrard Street, London. W1D 5PN
Tel. No. ++(0) 20 7734 3887 Fax No. ++(0) 02 7439 8880
Company Reg. No. 3117794

Appendix 1



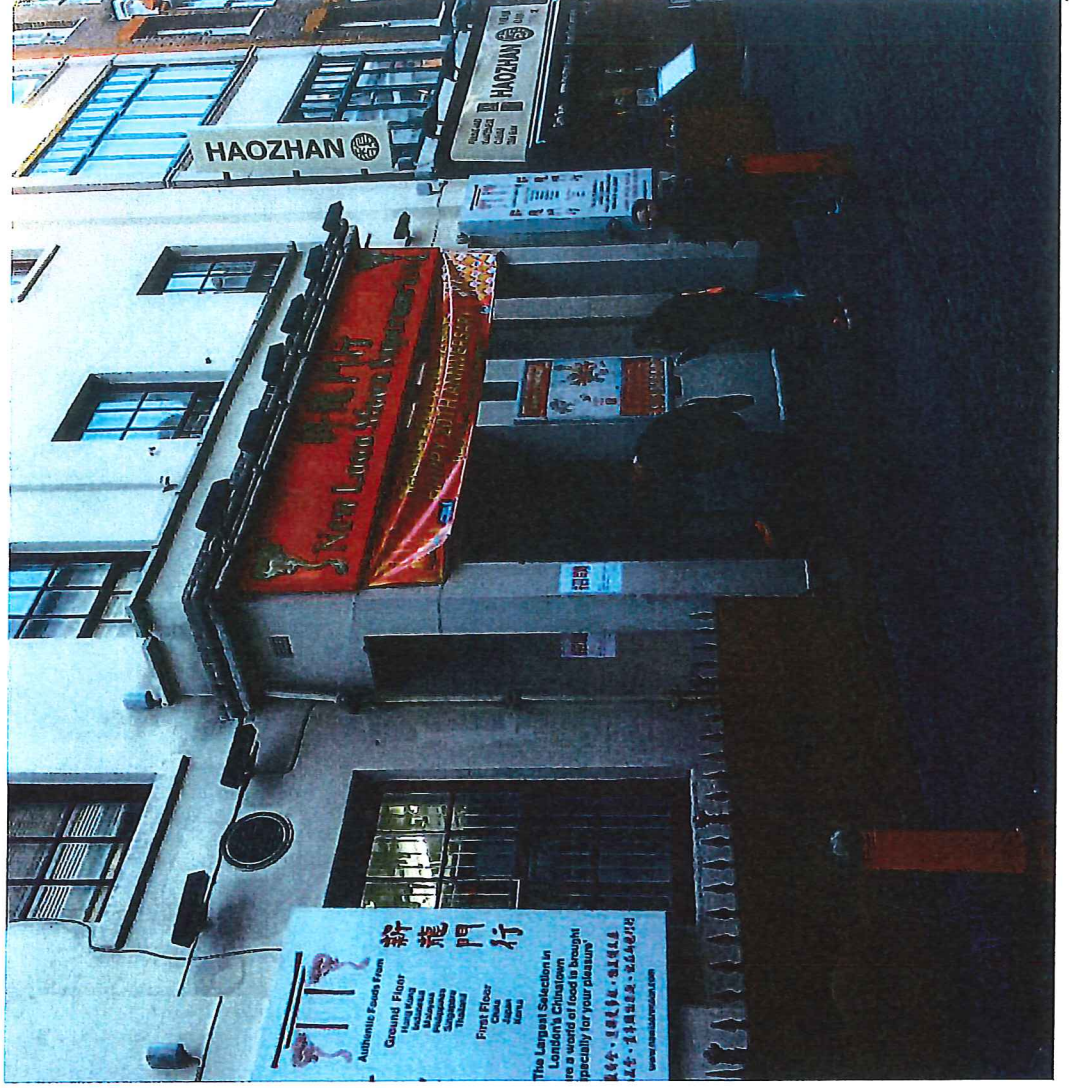


新龍門行

 New Loon Moon Ltd

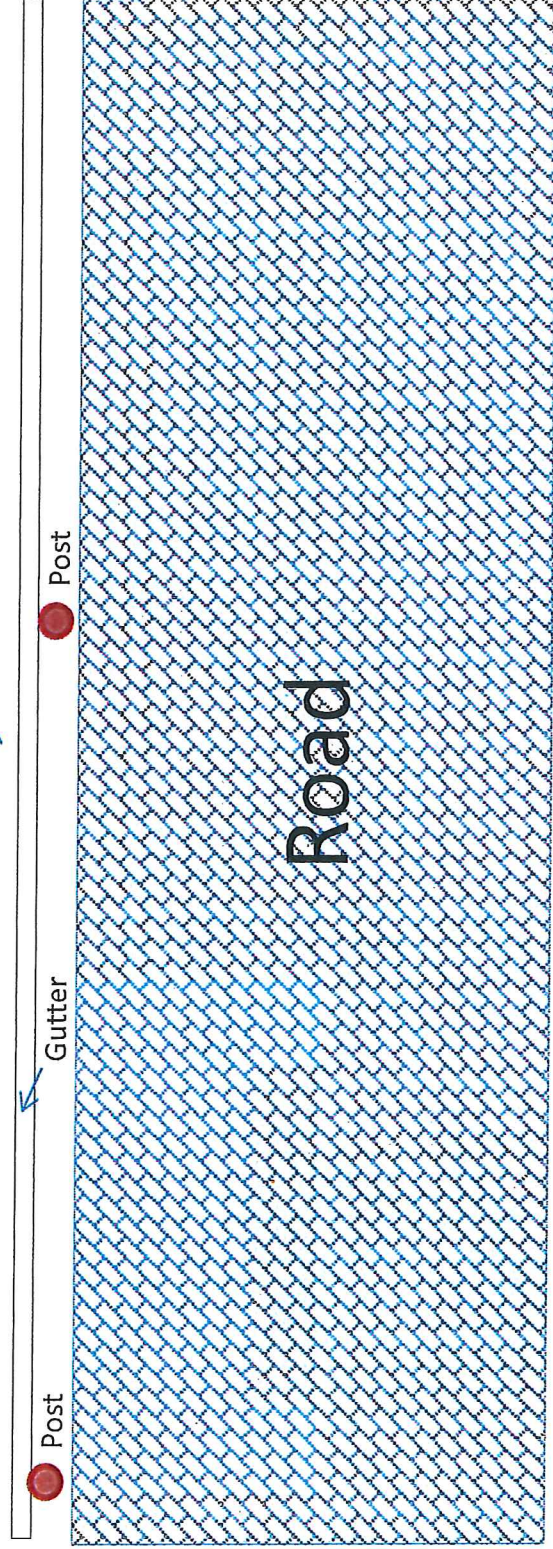
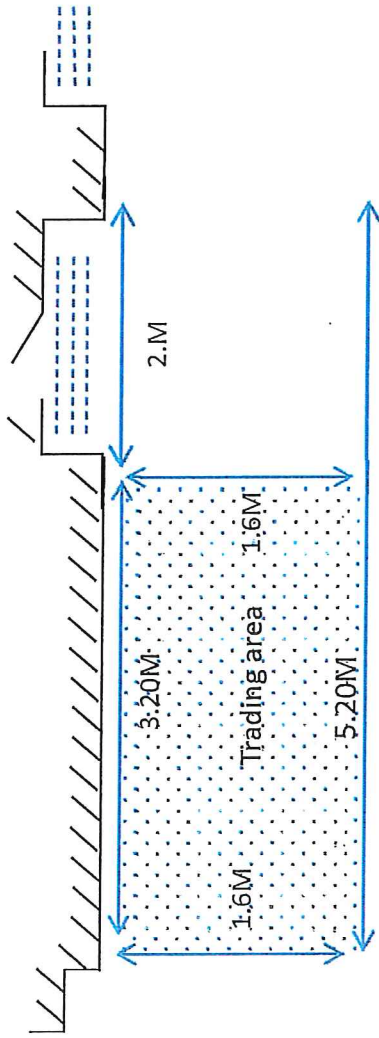
 9a, Gerrard Street,

 London. W1D 5PN



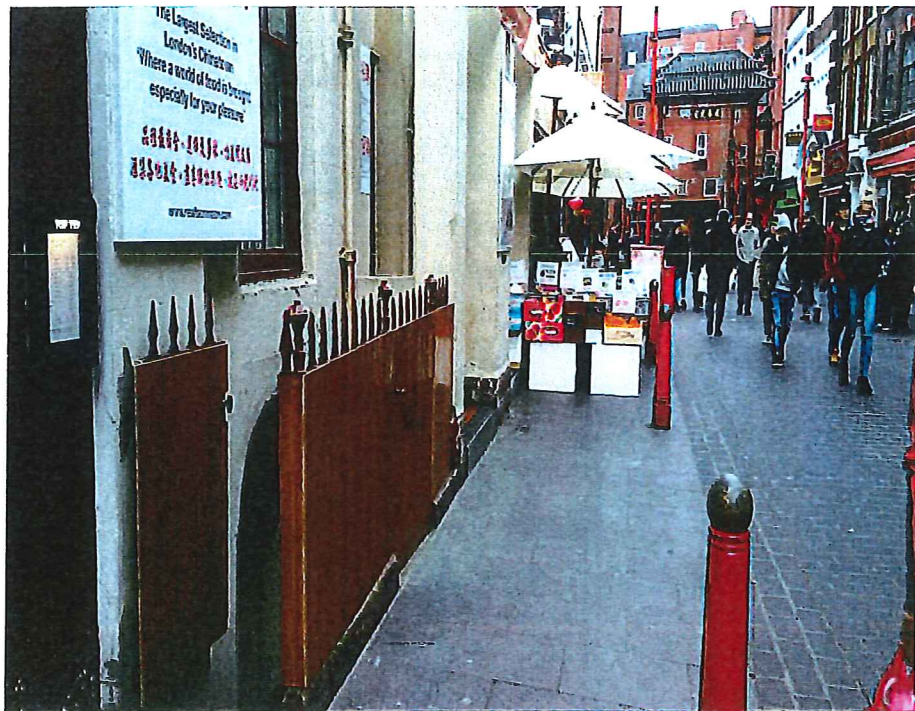
Appendix 2

New Loon Moon Supermarket
9A Gerrard Street





Existing street trading licence-PITCH F3026



Proposed new designation measuring 1.6 metres (Width) and 3.20 metres



1. THE WESTMINSTER CITY COUNCIL hereby grants to ...ANDRE CHEONG...

a licence to engage in street trading in the City of Westminster on PITCH NUMBER ...F3026...

2. This licence authorises the holder to trade solely in the articles, and in the manner, and 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 this19 January 2001.....

pp. N.Business Unit Manager (Licensing)

SCHEDULE

| | | | | | | | |
|---|-------------------------|------|------|-------|------|------|------|
| Class of Articles | FRUIT AND VEGETABLES | | | | | | |
| Street | F3026 GERRARD STREET W1 | | | | | | |
| Position or Place at which holder may trade | IN FRONT OF NO. 9a | | | | | | |
| Size of receptacle | L 5.8m, W 1.6m | | | | | | |
| Day | Mon | Tues | Wed | Thurs | Fri | Sat | Sun |
| From time | 1200 | 1200 | 1200 | 1200 | 1200 | 1200 | 1200 |
| To time | 2000 | 2000 | 2000 | 2000 | 2000 | 2000 | 2000 |

FURTHER CONDITIONS

(1) The licence holder shall ensure that the pitch is cleansed by washing it down at the end of each day's trading.

APPENDIX C

From: Ayton, Robert: WCC
Sent: 18 May 2016 14:47
To: Adnath, Taruna: WCC
Cc: Dwyer, Sean: WCC
Subject: RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Taruna

Yes – I visited the site and I have now discussed with John Walker.

We consider that the public highway in Gerrard Street should not be used for trading purposes.

We are very surprised that there seems to be an existing licence. Was Development Planning consulted about this ? John has asked the Planning Enforcement Team to investigate what appears to be an unauthorised use of the highway (in planning terms).

We oppose any further street trading licences outside this listed building.

Robert

From: Adnath, Taruna: WCC [<mailto:tadnath@westminster.gov.uk>]
Sent: 16 May 2016 15:19
To: Ayton, Robert
Cc: Dwyer, Sean
Subject: RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Robert

can you advise if the site visit took place and can you provide your formal comments for inclusion in the report.

Sean- can you provide your formal comments for inclusion in the Licensing Subcommittee report.

Regards

Mrs Taruna Adnath

Senior Licensing Officer

Street Trading Team

Public Protection & Licensing Department
Westminster City Council
4th Floor West
City Hall
64 Victoria Street
London SW1E 6QP

Tel: 020 7641 1496
Fax: 020 7641 7815
tadnath@westminster.gov.uk

www.westminster.gov.uk



ASPIRATION

CHOICE

HERITAGE



From: Ayton, Robert
Sent: 26 April 2016 10:05
To: Adnath, Taruna
Subject: RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Taruna

Ok – I will do a quick site visit today before I give you my final comments.

Robert

From: Adnath, Taruna
Sent: 21 April 2016 17:53
To: Ayton, Robert; Dwyer, Sean; Austin, Roger; Murphy, Peter; Auckland, Richard; Guerra, Reaz
Cc: Hick, Rosalind
Subject: RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Robert

Can you submit your formal response and grounds so that they can be included in the report for Licensing Sub Committee

Mrs Taruna Adnath

Senior Licensing Officer

Street Trading Team

Public Protection & Licensing Department
Westminster City Council
4th Floor West
City Hall

APPENDIX D

Adnath, Taruna: WCC

From: Dwyer, Sean
Sent: 21 April 2016 14:17
To: Adnath, Taruna; Austin, Roger; Ayton, Robert; Murphy, Peter; Auckland, Richard; Guerra, Reaz
Cc: Hick, Rosalind
Subject: RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Taruna

I don't have a problem with it in principle, but shouldn't they get planning permission before we consider issuing a street trading licence, like they would if they were a restaurant that wanted to put T&C in this location?

It changes the use of the highway to being part of the shop.

Sean

From: Adnath, Taruna
Sent: 21 April 2016 13:53
To: Dwyer, Sean; Austin, Roger; Ayton, Robert; Murphy, Peter; Auckland, Richard; Guerra, Reaz
Cc: Hick, Rosalind
Subject: FW: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon
Importance: High

Dear all

Following my email below I have not received your comments to the proposal below.

Robert- can you advise who is the best team to contact

The consultation time has lapsed but it would be good to have your comments as matter will be taken to committee for approval

Regards

Mrs Taruna Adnath

Senior Licensing Officer

Street Trading Team

Public Protection & Licensing Department
Westminster City Council
4th Floor West
City Hall
64 Victoria Street
London SW1E 6QP

Tel: 020 7641 1496
Fax: 020 7641 7815
adnath@westminster.gov.uk

www.westminster.gov.uk



ASPIRATION

CHOICE

HERITAGE



From: Adnath, Taruna
Sent: 01 March 2016 14:20
To: Glanz, Jonathan (Cllr); Church (Cllr), Paul; Roberts, Glenys (Cllr) CODE03; Dwyer, Sean; Austin, Roger; Murphy, Peter; Police General Licensing; Guerra, Reaz; Auckland, Richard; Pennington, Steve
Cc: 'Wally Watson'; 'David Chambers'; 'Accounts'
Subject: DESIGNATION OF STREET TRADING PITCH – 9a GERRARD STREET New Loon Moon
Importance: High

Dear All,

REGULATION OF STREET TRADING

DESIGNATION OF STREET TRADING PITCH – 9a GERRARD STREET

NOTICE IS HEREGIVEN THAT :

- (a) Under Section 5 (1)(a) of the Westminster Act 1999, The City Council has received a request from Mr Andre Cheong, New Loon Moon Supermarket, located at No 9a Gerrard Street, London, W1D 5PN to create a forecourt street trading licence measuring 1.6 metres (Width) and 3.20 metres (Length) from the building line to mirror the opposite side of the shop which currently has a street trading licence as set out below:

| | | | | |
|-----------------|----------------|-----------------|----------------------|------------------------------|
| F3026 76 | L5.8m W1.6m | Mr Andre Cheong | Fruit and Vegetables | Mon – Sun 1200 - 2000 |
|-----------------|----------------|-----------------|----------------------|------------------------------|

Copies of the letter from the applicant, location plans and photograph of the existing street trading licence and new proposed designations are attached for ease of reference

(b) Under the provisions of section 6(1) of the Westminster Act 1999, the Council must, before passing a designating or specifying resolution, carry out a consultation exercise. The Council must consult the Commissioner of Police, the Highway Authority, anybody which appears to represent the relevant street traders, and any licence holder whom the Council might reasonably expect would be affected by the proposed resolution.

Formal representations to the current proposal must be made in writing to the Street Trading Team, 4th Floor, City Hall, Victoria Street, London, SW1E 6QP or by email to the Senior Licensing Officer stated below or streettradinglicensing@westminster.gov.uk **by no later than 1 April 2016.**

Following the last date for submitting formal representation the matter will be referred to a Licensing Sub Committee hearing for consideration

Regards

Mrs Taruna Adnath

Senior Licensing Officer

Street Trading Team

Public Protection & Licensing Department
Westminster City Council
4th Floor West
City Hall
64 Victoria Street
London SW1E 6QP

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