



# Licensing Committee Report

Date	<b>27 March 2019</b>
Classification	<b>For General Release</b>
Title or report	<b>Application Process for a Street Trading Licence for a Pitch on a Market</b>
Report of	<b>Director of Public Protection &amp; Licensing</b>
Decision maker	<b>Licensing Committee</b>
Wards involved	<b>All</b>
Financial summary	<b>There are no direct financial implications as a result of this report.</b>
Report author and telephone	<b>Mrs Rosalind Hick, Interim Head of Central 0207 641 1775</b>

## 1. Executive Summary

- 1.1 This report sets out the proposed approach to determine a licence application for a street trading pitch on a market in Westminster and the selection criteria to be adopted.
- 1.2 The approach is designed to provide an effective way of managing available street trading pitches on markets, in line with statutory / policy requirements. It also ensures the choices we make broaden our market offer in line with agreed local market plans, placing markets at the heart of our communities. Our approach aims to encourage start-up businesses, and support market improvement and sustainability.
- 1.3 This note provides detail on the rationale used for selection criteria, shows the range of criteria to be used and sets out options for weighting. The criteria themselves have been devised using the City of Westminster Act 1999, the Street Trading Policy 2013 and the emerging market strategy.
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- 1.5 The Committee is requested to consider the proposals and provide any feedback or comments that may assist officers.

## 2. Background

- 2.1 In early April 2017 a decision was taken to end the process to procure an operator to run Berwick Street market. Following this, an application process was run for all vacant pitches on Berwick Street market and the criteria to be used for determining applications for street trading licences for Berwick Street were finalised. The criteria were derived from the City of Westminster Act 1999, the Council's Street Trading policy and vision for Berwick Street and were approved by the Director of Public Protection and Licensing under delegated powers.
- 2.2 The criteria used to determine applications on Berwick Street market included whether an existing licence was held, the range and quality of commodities to be sold, the number of days trading and whether the applicant was a start up business. During the advertisement period, 47 applications were received and following a sub committee hearing in late September, 21 applications were approved.
- 2.3 All the vacancies on Berwick Street market were filled through the process that was followed in 2017.
- 2.4 The proposal for a consultation on the development of a market strategy was approved by Licensing Committee in July 2018. The aim of the consultation was to explore the opportunity to develop a market strategy that would help shape the future of our markets and to make sure they continue to thrive and serve their neighbourhoods. The consultation was broad and sought the views of residents, shoppers, traders and local businesses.
- 2.5 The consultation looked at a number of themes including how to:
- Keep markets at the heart of their communities, providing a fantastic offer to local residents.
  - Encourage more non-street food traders to open market stalls, bringing more diversity to Westminster's markets.
  - Attract more tourists where this would have a positive impact on the revenue of the market traders.
  - Recruit the next generation of traders and boost training on topics such as customer service, display, taking card payments and creating an online presence.
  - Provide a wider selection of goods, regular new products and events.
  - Become more sustainable by increasing recycling, reducing plastic, offering in-season food, and increasing biodegradable packaging and reusable energy
- 2.6 The results of the consultation were presented to Licensing Committee in November 2018. The Committee welcomed the comprehensive nature of the consultation. It was agreed that the work on developing a strategy would continue, including the

development of local plans for each market. This would be presented to Licensing Committee in March 2019.

- 2.7 In July 2018 a number of applications were also received for street trading licences for pitches on Strutton Ground and Tachbrook Street. These applications were all submitted by traders who were currently trading on the market, under a temporary licence.
- 2.8 All applicants were advised that as the market strategy is currently under development, their application would be held and not determined until such time as the local plans for each market had been developed and clear criteria for determining applications had been set. They were further advised that as in the case of Berwick Street the criteria would be favourable towards those already trading on the market.
- 2.9 In designing the application selection criteria set out in this note, learning from the application process from Berwick Street Market, was considered. The application criteria have been made more specific than the criteria used in assessing Berwick Street applications. The application criteria have also taken account of the developing local plans for each market. The aim is to ensure that each application can be fairly and accurately assessed against the criteria and that those applicants who are selected are those that truly offer the best fit for that market in line with the local plans.
- 2.10 The application process set out in this note also takes learning from the process to fill vacancies at Berwick Street Market. The information that is requested in the application form will support the scoring against the criteria. The interview with the applicant also gives further opportunity to gather detailed information and develop a full picture of the applicant and their business.
- 2.11 The criteria and process set out in this note will be applied to each market in Westminster in turn. It will start with Strutton Ground and Tachbrook Street ensuring that the applications that have already been submitted are dealt with. Currently 19 applications have been received. 11 for Strutton Ground and for 8 Tachbrook Street. The application process will align with timeframes for market plans.
- 2.12 When all the markets have been 'filled', the annual process will begin that will manage any vacancies that result from trader cancellations or revocations.
- 2.13 The process for filling any vacancies for pitches with a street trading licence is proposed to take place 3 times each year. It is recognised that there may be times that individuals wish to test their product or business on a market. This may be through the use of short term pop-up stalls. In addition there may be individuals or organisations, such as community groups or charitable organisations that would not want to operate under a street trading licence. In these instances a temporary licence may be applied for and issued. The process for obtaining a temporary licence is set out in Appendix 1

### **3. Application Process for a licence for a pitch on a market in Westminster**

- 3.1 All vacant pitches on markets within Westminster will be advertised according to the requirements set out in the City of Westminster Act 1999 and the Statement of Street Trading Policy.
- 3.2 The process has been designed to be transparent, clear and timebound and to maximise the opportunity to support all new traders through the process and in their first weeks of trading on the market. It will involve officers in Licensing and Environmental Health with support from colleagues in Economic Development.
- 3.3 It is proposed that there are 3 advertisement periods throughout the year. This allows a number of applications to be received at one time and scored against the set criteria and the best of these applications will then be granted a street trading licence. The timeline for the whole application process is set out in Appendix 1

Advertised	Shortlist, interview and LSC	Start date
December / January	February / March	1st April
February / March	April / May	1st June
June/July	August / September	1st October

- 3.4 When applications are received, they will initially be validated against the following criteria:
  - i. That the application form has been completed in full and is legible
  - ii. That the licence fee is paid
  - iii. That the applicant is an individual who is over 17 years of age
  - iv. That the pitch or market that has been applied for is vacant
  - v. That the application has been received within the advertisement period
- 3.5 Once applications are validated, they will be assessed against the application criteria, giving them a score. Information will be taken from the application form regarding their business and commodity to be sold. The scores will be given by officers in Licensing, in consultation with officers from Environmental Health. The Market Strategy will also be referenced to assist with decision making.
- 3.6 Each applicant will then be sent their initial score and be invited to an interview where officers from Licensing, Economic Development and Environmental Health (where the application is for food) will meet them to talk about their product and business. The purpose of this interview is to give the applicant the opportunity to explain more about their business and product.
- 3.7 Following the interview the scores for the application may be amended or confirmed and a final score issued
- 3.8 The final scores for all applications will be taken to a Licensing Sub Committee hearing with an officer recommendation about those which should be granted. All applicants will be invited to attend Licensing Sub Committee and given an opportunity to address the panel.

- 3.9 Following the decision of the Licensing Committee the licence with any conditions attached will be issued to traders with a confirmed start date.
- 3.10 This proposed process is an enhanced process from the one that is currently followed. The process is currently led by Licensing with support from Environmental Health. The proposed process gives more opportunity to assess the quality of the product that will be sold, assess whether the applicant would require support for their start up business and will enable assessment of the approach the applicant has to sustainability and environmental impact.

#### **4 Application Selection criteria and scoring**

- 4.1 In designing the application selection criteria, feedback from the Licensing Sub Committee who heard the applications for Berwick Street Market, was considered. The application criteria have been made more specific than the criteria used in assessing Berwick Street applications. This will ensure that each application can be fairly and accurately assessed against the criteria and that those applicants who are selected are those that truly offer the best fit for that market in line with the local plans.
- 4.2 The application scoring criteria is set out in Appendix 2. It is divided into the following sections; Business and Operation, Commodity, Food Business Information and Applicant. A score is provided for each part of the criteria.
- 4.3 At each application period, a minimum score requirement should be set. This effectively gives a pass mark so that any applications that do not meet this score would be recommended for refusal.
- 4.4 In addition, the criteria may be weighted in accordance with the local plan for each market. In delivering the local plan, some criteria may be less important, particularly if a market is looking to move away from the sale of one commodity, such as hot food, towards an offer that includes a variety of commodities on different days. Two such criteria may be;
- How many days will the business operate on the market (maximum points awarded for a full week application)
  - The application for a commodity which more than a third of the pitches on the market sell?
- 4.5 The selection criteria and any weighting that is applied will be made available to all applicants throughout the process. Their score after the initial assessment will be shared before their interview and their final score and officer recommendation on all applications received will be provided to them before the Licensing Sub Committee hearing where the final decision on all applications is made.
- 4.6 This criteria and approach to scoring gives an opportunity to assess product, quality and business approach of the applicant in a way that is not possible with the current process.

4.7 The detailed assessments of each application for a market will be taken in one report to Licensing Sub Committee. This ensures the process is fully in line with the City of Westminster Act. Committee Members will have a detailed report from which to make their decision and the applicant will have an opportunity to address the committee in line with their application.

**5. Next Steps and timeline**

5.1 Once comments have been received from Licensing Committee, the criteria will be published, the website updated and a new traders handbook created to incorporate all the information applicants will need to know

5.2 The application form will be updated to reflect the criteria to ensure that applicants are able to provide information to enable a score to be made on their application.

5.3 Those who have currently made applications for Strutton Ground and Tachbrook Street will be contacted to inform them of the criteria and the local plan. They will be given support to provide any further information that may be needed to assess their application in line with the criteria.

**6. Staffing Implications**

6.1 There are no staffing implications as a result of this report

**If you have any queries about this report, please contact:**

Mr Andrew Ralph, Head of Licensing and Regulatory Services or Mrs Rosalind Hick, Interim Head of Service Central.

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**Appendix 1 – Application process for temporary licence**

Application made for a temporary licence for a vacant pitch on a market	
Applications validated	2 weeks
Consultation with EH (food application) and City Inspector	4 weeks
Application determined & licence issued	1 week
Start date agreed for market	12 weeks

## **Appendix 2 – Street Trading Licence Application process**

Vacant pitches advertised	8 weeks
Applications validated, assessed and scored	4 weeks
Interviews held with applicants / notification of LSC hearing	4 weeks
LSC hearing and licences issued	2 weeks
Total	12 weeks

## **Appendix 3 – Application criteria**

If an applicant does not meet the minimum score, recommendation to the Licensing Sub Committee will be for refusal of the application.

### **Business & Operation - Maximum available points – 70**

<b>Criteria Detail</b>	<b>Points</b>
Is this a start-up businesses (a business which has been registered at Companies House, HMRC or registered self-employed for less than 24 months before an application is made). (10 points for less than 12 months, 5 points for 13-24 months, 0 points for more than 24 months)	10
Is this part of an established Westminster based enterprise scheme? (10 points for part of the scheme, 0 points if not)	10
How many days will the business operate on the market (maximum points awarded for a full week application) (1-2 days 2 point, 3-4 days 6 points, 5-6 days 10 points)	10
Is the business demonstrating a plan for the use of sustainable packaging or any other environmentally friendly initiative. (20 points if using sustainable packaging and initiatives, 10 points for evidence of some sustainable initiatives, 0 for none)	20
Does the business currently have a web presence through social media. (10 points if social media is used, 0 points if not)	10
Does the business propose to operate from a receptacle of an approved size and design? (10 points for yes, 0 points for no)	10

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### Food Businesses – Maximum available points – 45

Criteria Detail	Points
Is the application from a registered food business? (10 points if so, 0 points otherwise)	10
Does the applicant have a level 2 food safety training or above? (20 points if they have above level 2, 10 points if they have level 2, 0 points otherwise)	20
Does the application or applicant provide evidence that the equipment to be used is safe and within the standard conditions? (yes all, 15 points, some 10 points, no 0 points)	15

### Commodity - Maximum available points – 60

Criteria Detail	Points
For non food, is the product being sold unique, bespoke in nature or crafted by the business owner? (20 points if this is unique, bespoke in nature or crafted by the business owner, 0 otherwise)	20
Is the application for a commodity that is not currently sold on the market? (Yes 20 points, no 0 points)	20
Is the application for a commodity which more than a third of the pitches on the market sell? (Based on cuisine regions not just hot food, if yes -10, no 0)	-10
Whether the applicant demonstrates, through their proposed commodity and stall a close match to the way in which the market currently operates? (20 points for awareness of the current area and market location, 0 points if no)	20

### Applicant- Maximum available points – 40

Criteria Detail	Points
Whether the applicant has, within the last two years held, or currently holds, a licence to trade on the market in Westminster for which they have applied. (20 points if two years or longer, 10 points for a year – two years, 5 points for less than a year)	20
Whether the applicant has, within the last two years held, or currently holds, a licence to trade on any market in Westminster (10 points if two years or longer, 5 points for two years or less)	10
Whether the applicant has demonstrated commitment and loyalty to the market on which they have traded, through attendance of 90% or above. (10 points if yes, 0 points if no)	10

Whether the applicant is subject to pending or historic enforcement action within the last two years? Multiple i.e 3 or more written warnings within two years. (-20 for three or more written warnings within the last two years, 0 otherwise)	-20
Evidence of current or historical arrears on a street trading account for a licence held within the last two years. (-20 points for financial arrears within the last two years, 0 points if no arrears)	-20
Evidence of repeated breaches of a street trading licence condition for a licence held on a market in Westminster within the last two years. A repeated breach is three times or more. (-20 points for repeated breaches, 0 points otherwise)	-20
Evidence of persistent failure to make full personal use of a licence held on a market in Westminster within the last two years. (-20 points for attendance of less than 90% within the last two years, 0 points otherwise)	-20

Maximum points for food traders is 195, maximum points for non food traders is 170. The minimum requirement is 50%.