



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



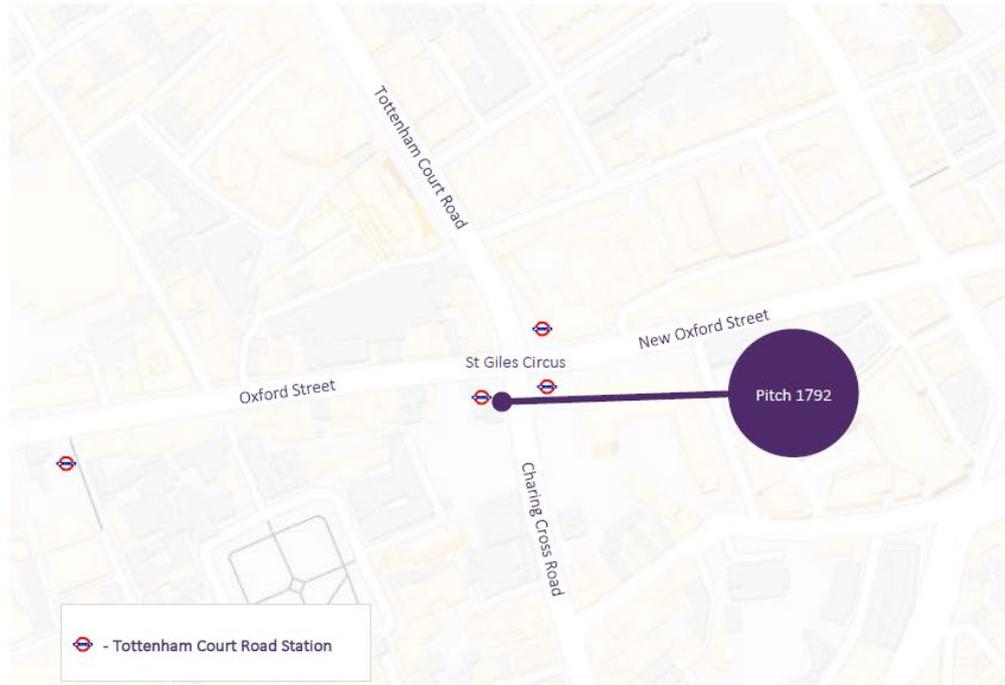
QA RECORD:

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

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

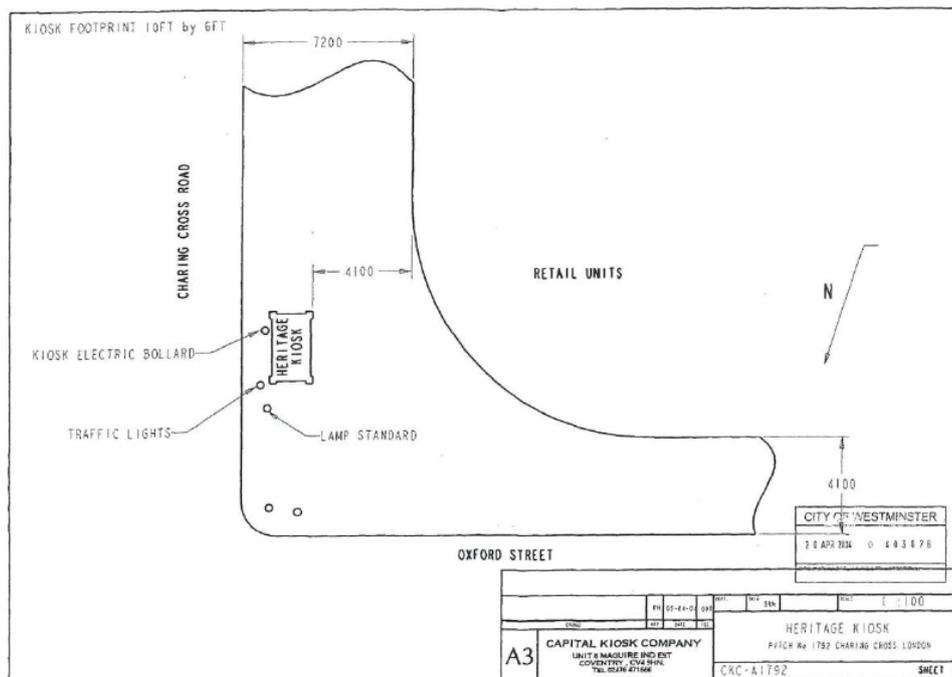


2 HIGHWAY LAYOUT CONSIDERATIONS

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.

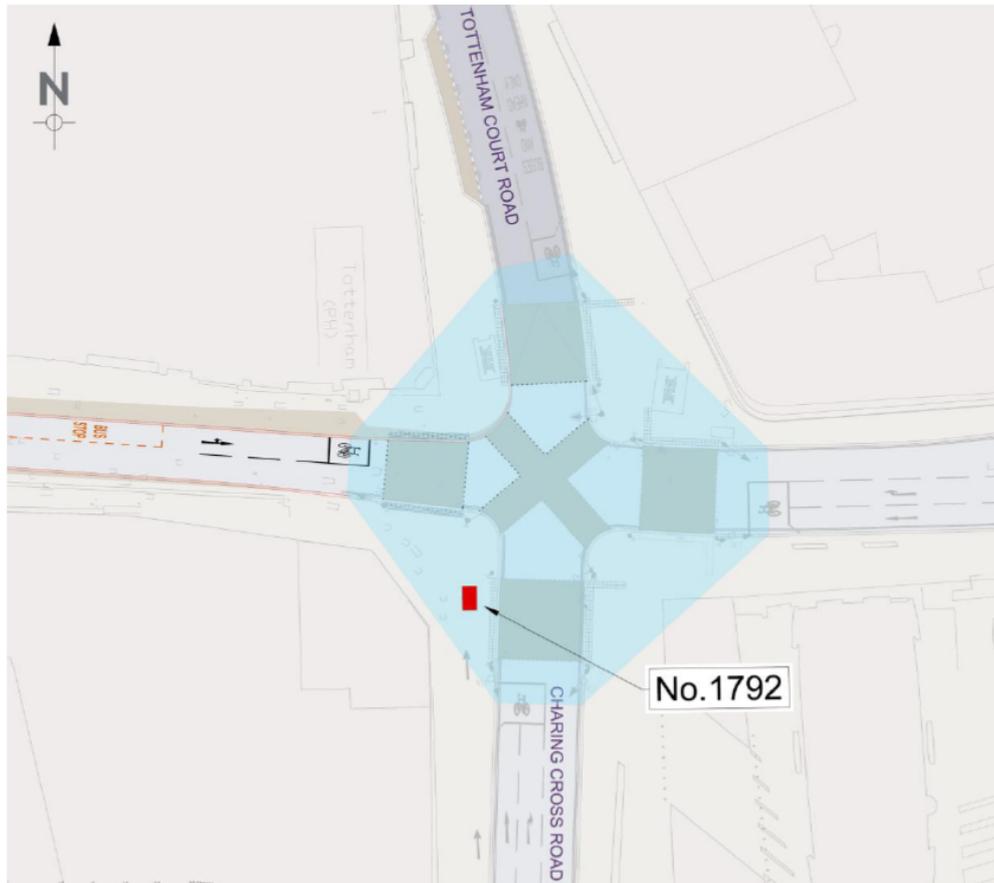
2.2 Obstruction to pedestrian movement

- 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

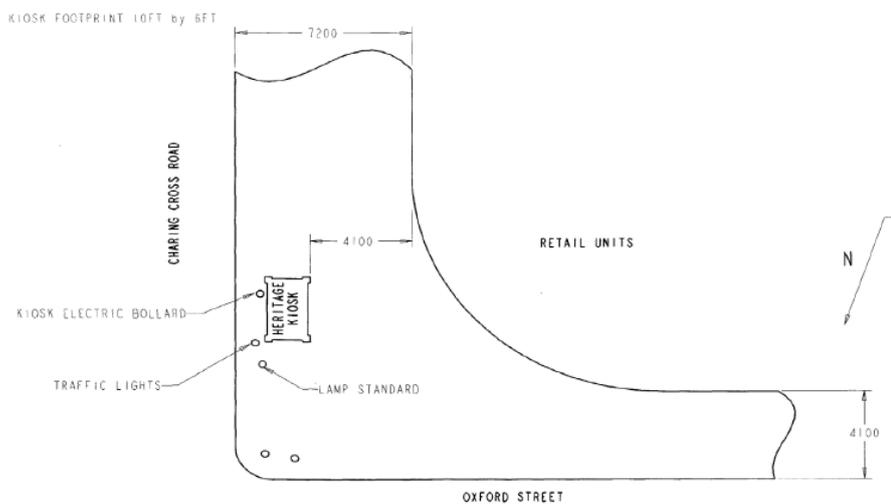
INTENTION TO RESCIND DESIGNATION: PITCH 1792 CHARING CROSS ROAD

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 | jjglanz@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