



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

22/02108/RESCIN

Date:

24 March 2022

Classification:

For General Release

Title of Report:

**Street Trading - Isolated Pitches
Rescind designations for 7 vacant isolated pitches**

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 7 street trading pitches across Westminster.
Pitches and Locations:	Pitch 911 – Acacia Road Pitch 1607 – Lupus Street Pitch 1630 – Knightsbridge Pitch 1644 – Dean Bradley Street Pitch 1660 – Broadway Pitch 1692 – Crown Passage Pitch 1738 – Bressenden Place
Ward Names:	Abbey Road, Churchill, Knightsbridge and Belgravia and St James

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 the above vacant pitches as recommended by officers.

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 the vacant isolated pitches located around the City. The pitches stipulated above have not been used for a number of years, the majority of the pitches have not been licensed for a period of 6 months or more.

3. Background

The Licensing Service has conducted a review of the vacant pitch status, assessing the duration that the pitch has been vacant for. A copy of the spreadsheet reviewing the pitches is included as **Appendix A**.

4. Consultation

In seeking to de-designate the vacant pitches the Licensing Service has undertaken the statutory consultation with the Highway Authority, Police Licensing Team 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 and relevant Ward Members.

A copy of the notifications of intent to de-designate are included as **Appendix A**.

5. Consultation Responses:

- **Highways Planning**

Comments from Sean Dwyer were received commenting on the suitability of the pitches in their current designations and indicating whether Highways Planning support the de-designation of the pitches. The comments are included in **Appendix B**.

- **Metropolitan Police Service:**

No comments were received from the Police Licensing Team.

- **Ward Councillors:**

No comments were received from the Ward Councillors.

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

Comments from Nichola Kerr on behalf of WESTA were received. These comments are included in **Appendix A**.

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

7.1 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 of the Act provides that Appeals to A MAGISTRATES' COURT

Any person aggrieved—

by a resolution varying or rescinding a designating resolution;

by a specifying resolution or a resolution varying such a resolution;

by a standard condition; or

by the amount of a fee or charge under section 22 (Fees and charges) of this Act, may appeal to a magistrates' court acting for the area of the council.

List of Appendices

Appendix A	Notification of Intent to Rescind Designation for Isolated Pitches
Appendix B	Spreadsheet including consultation comments

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



Highways Planning
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: 07971 920 409
Date: 01 February 2022

Dear Highways Planning,

INTENTION TO RESCIND DESIGNATION: PITCH 911 – Acacia 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 911.

Pitch 911 is located on the Acacia Road. The following image is a photograph of where the pitch is currently designated:



Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies 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 no longer suitable include:*

(a) It has not been used for trading for a period of greater than six months;”

Pitch 911 has not been licensed since 2018 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council’s application should do so by **02 March 2022**. 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', written over a light blue rectangular background.

Shannon Pring
Senior Practitioner Street Trading
Licensing Team



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Westminster City Hall
64 Victoria Street
London SW1E 6QP

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15th Floor
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Tel. No: 07971 920 409

Date: 01 February 2022

Dear Highways Planning,

INTENTION TO RESCIND DESIGNATION: PITCH 1607 – Lupus Street

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 1607.

Pitch 1607 is located on the Lupus Street. The following image is a photograph of where the pitch is currently designated:



Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies 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 no longer suitable include:*

(a) It has not been used for trading for a period of greater than six months;”

Pitch 1607 has not been licensed since 2017 and as such we consider it appropriate to rescind the designation of this street trading pitch.



Anyone wishing to make representations about the Council's application should do so by **02 March 2022**. 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'.

Shannon Pring
Senior Practitioner Street Trading
Licensing Team



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Westminster City Hall
64 Victoria Street
London SW1E 6QP

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15th Floor
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Tel. No: 07971 920 409

Date: 01 February 2022

Dear Highways Planning,

INTENTION TO RESCIND DESIGNATION: PITCH 1630 – Knightsbridge

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 1630.

Pitch 1630 is located by Grosvenor Place, Knightsbridge.

Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies 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 no longer suitable include:*

(a) It has not been used for trading for a period of greater than six months;”

Pitch 1630 has not been licensed since 2005 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council’s application should do so by **02 March 2022**. Representations can be made in writing to streettradinglicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

Shannon Pring
Senior Practitioner Street Trading
Licensing Team



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15th Floor
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64 Victoria Street
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Tel. No: 07971 920 409

Date: 01 February 2022

Dear Highways Planning,

INTENTION TO RESCIND DESIGNATION: PITCH 1644 – Dean Bradley Street

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 1644.

Pitch 1644 is located on the Dean Bradley Street. The following image is a photograph of where the pitch is currently designated:



Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies 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 no longer suitable include:*

(a) It has not been used for trading for a period of greater than six months;”



Pitch 1644 has not been licensed since 2016 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council's application should do so by **02 March 2022**. Representations can be made in writing to streettradinglicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

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Shannon Pring
Senior Practitioner Street Trading
Licensing Team



Sean Dwyer – Highways Planning
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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15th Floor
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64 Victoria Street
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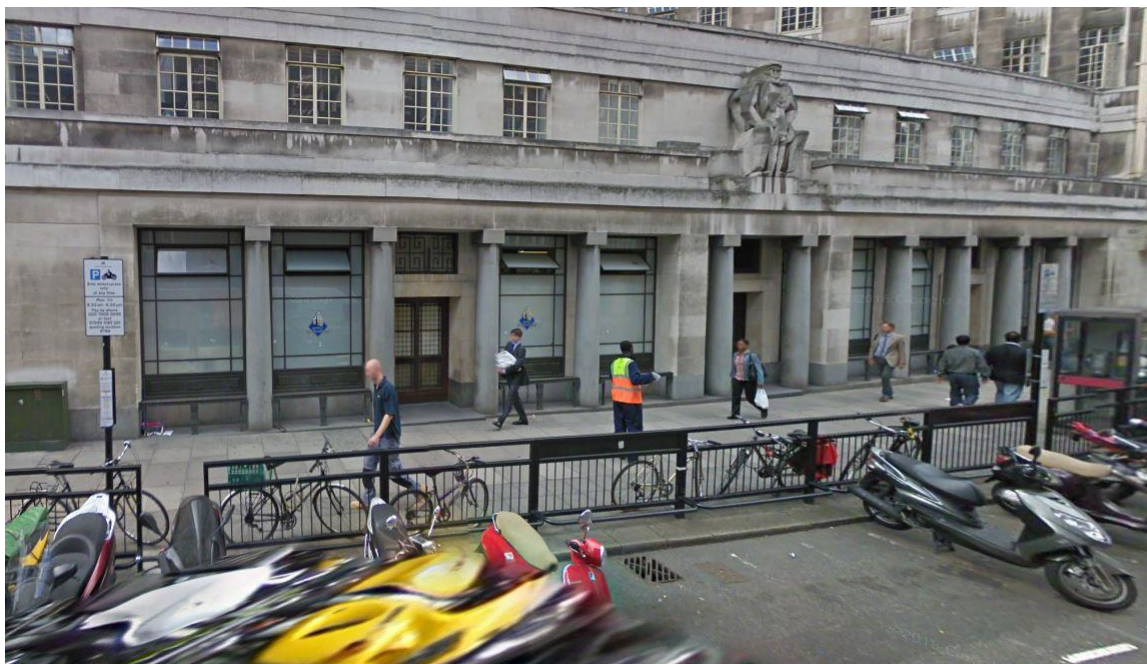
Tel. No: 07971 920374
Date: 01 February 2022

Dear Sean Dwyer,

INTENTION TO RESCIND DESIGNATION: PITCH 1660 – Broadway

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 1660.

Pitch 1660 is located on the Broadway. The following image is a photograph of where the pitch is currently designated:



Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies 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 no longer suitable include:*



(a) It has not been used for trading for a period of greater than six months;
Pitch 1660 has not been licensed since 2011 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council's application should do so by **02 March 2022**. 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 be 'S. Pring'.

Shannon Pring
Senior Practitioner Street Trading
Licensing Team



Sean Dwyer – Highways Planning
Westminster City Council
Westminster City Hall
64 Victoria Street
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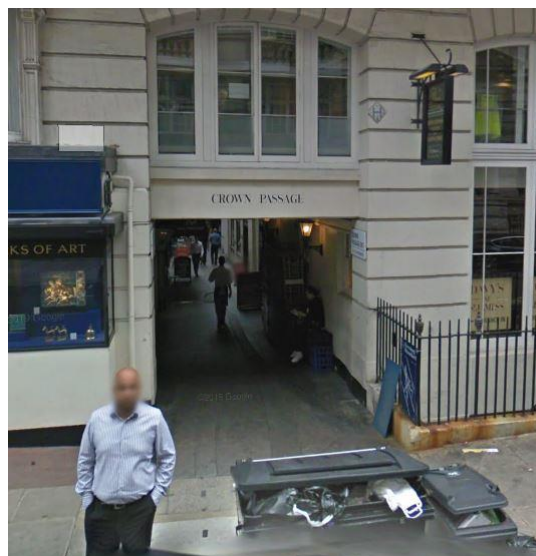
Tel. No: 07971 920374
Date: 01 February 2022

Dear Sean Dwyer,

INTENTION TO RESCIND DESIGNATION: PITCH 1692 – Crown Passage

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 1692.

Pitch 1692 is located on Crown Passage. The following image is a photograph of where the pitch is currently designated:



Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies 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 no longer suitable include:*

(a) It has not been used for trading for a period of greater than six months;”



Pitch 1692 has not been licensed since 2016 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council's application should do so by **02 March 2022**. 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 be 'SP'.

Shannon Pring
Senior Practitioner Street Trading
Licensing Team



Transport for London
9B4, 5 Endeavour Square,
Westfield Avenue,
London
E20 1JN

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

Tel. No: 07971 920374
Date: 01 February 2022

Dear Transport for London,

INTENTION TO RESCIND DESIGNATION: PITCH 1738 – Bressenden Place

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 1738.

Pitch 1738 is located on Bressenden Place. The following image is a photograph of where the pitch is currently designated:





Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies 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 no longer suitable include:*

(a) It has not been used for trading for a period of greater than six months;”

Pitch 1738 has not been licensed since 2002 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council’s application should do so by **02 March 2022**. 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 'S. Pring'.

Shannon Pring
Senior Practitioner Street Trading
Licensing Team

Pitch Number	Location	Designation	Status	Consultation dates (Start & End)	Highways Authority Sean Dwyer	WESTA Wally Watson & Nichola Kerr	Commissioner of Police	License holders could be affected	Ward Councillors	Amenity Societies	Notes
911	Acacia Road	Acacia Road outside St John's Wood Station (footway). 34 Feet from East kerblines of Finchley Road.	Surrendered 2018	02/02/2022 to 02/03/2022	this pitch is far from ideal from a highways point of view. I think it might be difficult for me to argue that something had changed since we allowed it, that makes it worse now than it was then, but it leaves only a very narrow footway width with the kiosk in place. As you know from all our PL work we always seek to have a footway width of at least 2m for pedestrian passage and this looks less than that.	No objection	No comments received	N/A	No comments received	No comments received	Ward - Abbey Road
1607	Lupus Street	Outside 93 Lupus Street	Surrendered 2017	02/02/2022 to 02/03/2022	I presume this is the one that is in the carriageway. Again, I think it might be difficult for me to argue that something had changed since we allowed it, that makes it worse now than it was then, but having said that, I don't think in this day and age we would want to allow any new street trading pitches in a carriageway and for that reason alone I would support the de-designation of this.	No objection	No comments received	N/A	No comments received	No comments received	Ward - Churchill
1630	Knightsbridge	Footway outside St George's Hospital by Grosvenor Place	License Revoked 2005	02/02/2022 to 02/03/2022	Sorry, but I'm struggling to see where this one was.	No objection	No comments received	N/A	No comments received	No comments received	Ward - Knightsbridge and Belgravia
1644	Dean Bradley Street	Dean Bradley Street carriageway footway commencing at building line of Horseferry Road	Surrendered 2016	02/02/2022 to 02/03/2022	this appears to be at least in part on the carriageway. Again, I think it might be difficult for me to argue that something had changed since we allowed it, that makes it worse now than it was then, but having said that, I don't think in this day and age we would want to allow any new street trading pitches in a carriageway and for that reason alone I would support the de-designation of this.	No objection	No comments received	N/A	No comments received	No comments received	Ward - St James
1660	Broadway	Broadway Eastern side opposite wall of No. 20 Broadway and carriageway	Surrendered	02/02/2022 to 02/03/2022	this appears to have been both in the carriageway and immediately adjacent to what was not, but that is now a footway crossover that gives access to/from a hotel. It seems to me that it is a really poor position from a road safety point of view and the construction of the hotel has made it worse that it originally was. I would support its de-designation.	No objection	No comments received	N/A	No comments received	No comments received	Ward - St James
1692	Crown Passage	Crown Passage of junction with King Street. Westside 23'6" from backline of south kerb of King Street	Surrendered 2016	02/02/2022 to 02/03/2022	This is in a pedestrianised area which is also reasonably wide and my first thought is that it is in quite a sensible position compared to many of our pitches.	No objection	No comments received	N/A	No comments received	No comments received	Ward - St James
1738	Bressenden Place	Bressenden Place 6ft from automatic public WC, 14ft from	VACANT	02/02/2022 to 02/03/2022	TFL - No comment	No objection	No comments received	N/A	No comments received	No comments received	TFL station in pitch location Ward - St James