



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

22/08812/RESCIN

Date:

6 October 2022

Classification:

For General Release

Title of Report:

Street Trading - Isolated Pitch 945 Oxford Street

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 street trading Pitch 945 Oxford Street
Pitch Designation:	John Princes Street West footway in line with Oxford Street building line, central between kerb and building line. The pitch location and image of the kiosk can be found at Appendix 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 945 Oxford Street as recommended by officers.

2. Summary

Section 4.1 of the City Council's Mayfair Neighbourhood Plan 2018 – 2038 relating to Retail outlines policies that are aimed at 'securing world-class retail for the long term, including the encouragement of new retail in the area, the direction of new retail opportunity locations, and the districts in Mayfair where specialist retailers deserve particular designation and support'.

MR1.6 of the Mayfair Neighbourhood Plan (MNP) specifies that "Stand alone retail "huts" such as exist in the side streets along Oxford Street are not supported and opportunities to remove or relocate them should be taken."

The Licensing Service supports an opportunity for the City Council to further the aims as set out at page 38 of the MNP. A copy of the Plan is not included as part of the report due to the size of the document; however, a copy of the document can be found [here](#).

3. Background

Pitch 945 is positioned at the southern end of John Princes Street at its junction with Oxford Street.

The pitch has a licence attached to it and is currently operating as a retail unit selling hats, clothing accessories, handbags, purses and wallets, jewellery, children's toys and souvenirs.

A freeholder of a property wishes to secure the removal of the street trading pitch and has reached a private agreement with the street trader to support the de-designation of the pitch. If the officer's recommendation is approved by the Licensing Sub-Committee the licence holder will surrender their street trading licence after a period of 3 months.

4. Consultation

In seeking to de-designate Pitch 945 Oxford Street the Licensing Service has undertaken the statutory consultation with the Street Trading licence holder, 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 relevant Ward Members.

A copy of the notification of intent to de-designate is included as **Appendix B**.

5. Consultation Responses:

a) Licence Holder:

On 23 August 2022, the Licensing Service received a letter from the licence holder advising that he supports the Council's intention to rescind the designation. The letter can be found at **Appendix C** of the report.

b) Ward Councillors:

On 19 August 2022, Cllr Jessica Toale, acknowledged receipt of the notice on behalf of herself and her colleagues. No other comments were received in respect of the notice. The email can be found at **Appendix D** of the report.

c) West End Traders Association (WESTA):

On 23 August 2022, the Licensing Service received a representation supporting the Council's intention to rescind the designation. The full representation can be found at **Appendix E** of the report.

d) Highways Planning:

On 18 August 2022, the Licensing Service received an email from Highways Planning confirming that they support the de-designation of the pitch. A copy of the email can be found at **Appendix F** of the report.

e) Metropolitan Police Service:

At the time of publishing the report the Licensing Service has not received any comments from the Metropolitan Police Licensing Team.

6. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Council has had regard to the above duty and confirms that the proposal to rescind the designation of Pitch 945 Oxford Street does not breach its public sector equality duty

7. Street Trading Policy

a) Policy ST5 within the City of Westminster Statement of Street Licensing Policy relates to the designation and de-designation of street trading pitches. However, the Licensing Service requests that the committee consider this application as an exception to this policy.

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

- a) 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).
- b) Section 5(2) of the Act provides:
The Council may from time to time rescind or vary any such resolution.
- c) 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.

d) 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

a) 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 a Magistrates' Court acting for the area of the Council .

10. Recommendation

That the designating resolution passed by the Council on 25 July 1990 be varied to rescind the designation of street trading Pitch 945 Oxford Street.

List of Appendices

Appendix A	Pitch location and GIS Map
Appendix B	Consultation letter sent to relevant parties
Appendix C	Consultation response from Licence Holder
Appendix D	Consultation response from Ward Councillors
Appendix E	Consultation response from West End Street Trading Association (WESTA)
Appendix F	Consultation response from Highways Planning

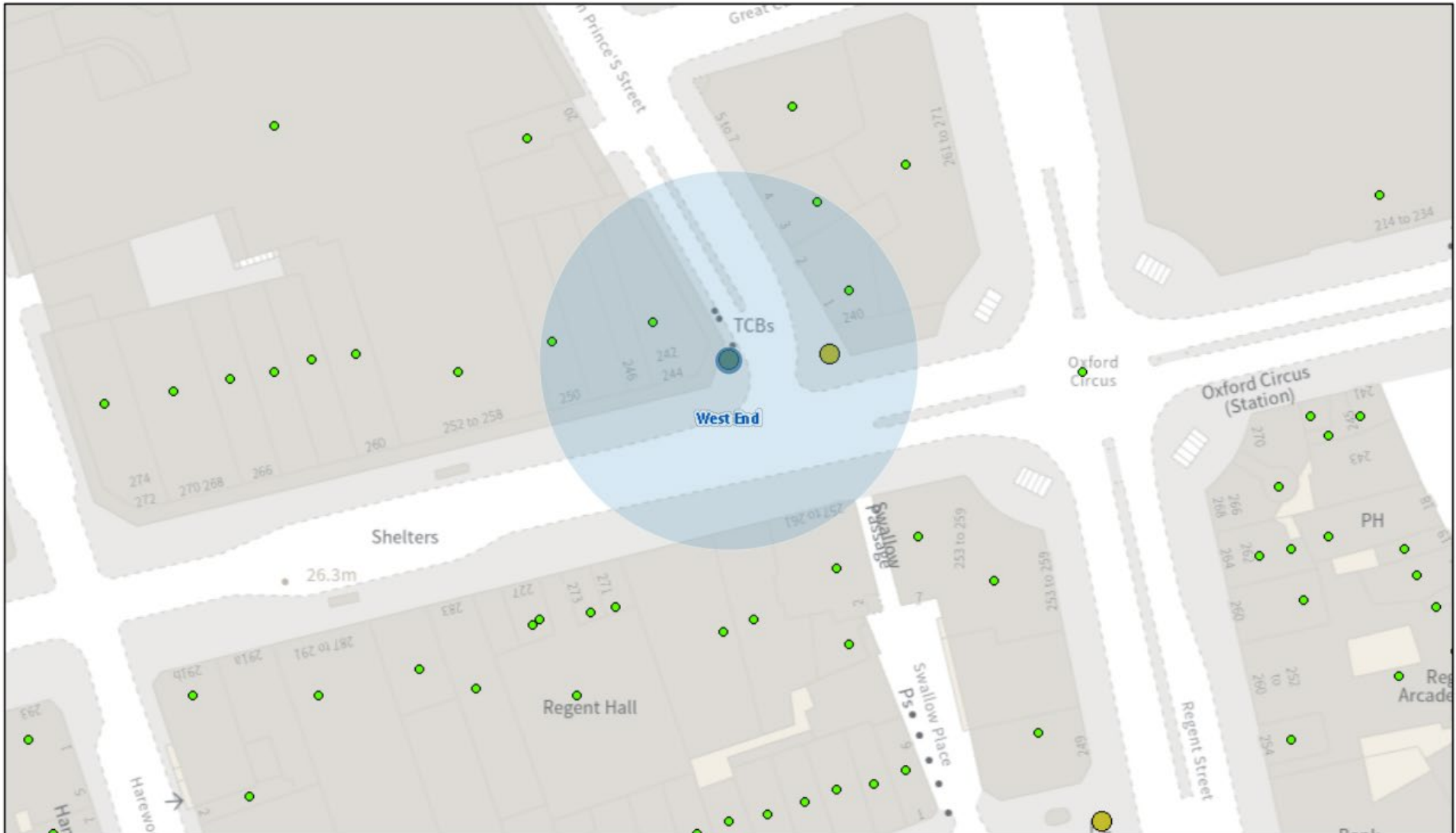
If you have any questions about this report, or wish to inspect one of the background papers, please contact **Shannon Pring** at spring3@westminster.gov.uk

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

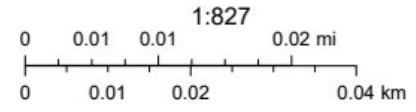


Pitch 945 Oxford Street



22/09/2022, 10:38:05

- Property Mailing List
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Labels
- Exhibition
- Isolated Pitch
- Street Trading
- Temporary Traders



Pring, Shannon: WCC

From: Pring, Shannon: WCC
Sent: 18 August 2022 15:53
To: Dwyer, Sean: WCC
Subject: Pitch 945 - Oxford Street - Notice of intent to rescind designation

Dear Highways Planning,

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 945 Oxford Street.

Pitch 945 Oxford Street is located on John Princes Street West footway in line with the Oxford Street building line central between kerb and building line. The following image is a photograph of where the pitch is currently designated:



The reason for the de-designation

The City Council's Mayfair Neighbourhood Plan 2018 – 2038 outlines policies that are aimed at:

Securing world-class retail for the long term, including the encouragement of new retail in the area, the direction of new retail opportunity locations, and the districts in Mayfair where specialist retailers deserve particular designation and support.

Under this, policy MR1 Retail Encouragement and Direction, specifically states under MR1.6 that,

“Stand alone retail “huts” such as exist in the side streets along Oxford Street are not supported and opportunities to remove or relocate them should be taken.”

In this case an opportunity has arisen to further this policy aim of the City Council. The Council has been notified that a local freeholder of a property, close to Pitch 945, in John Princes Street wishes to secure the de-designation of the street trading pitch. They have reached a private agreement with the street trader who supports the de-designation on the terms agreed. Therefore, to achieve both the objective of the freeholder and in furtherance of the Council's clear policy of removing such pitches when there is the opportunity (MR1.6), the pitch needs to be de-designated.

Anyone wishing to make representations about the Council's application should do so by **15 September 2022**. Representations can be made in writing to streettradinglicensing@westminster.gov.uk or alternatively to the address above. Any person that makes a representation will also be invited to make oral representations at a Licensing Sub-Committee hearing. The date of which is to be confirmed.

Yours sincerely,



Shannon Pring

Senior Practitioner Street Trading
Licensing Service
Public Protection and Licensing

Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Tel: 07971 920 413

0207 641 6500 (Contact Centre)

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GOLD ANIMAL ACTIVITY LICENSING 2021

Pring, Shannon: WCC

From: Pring, Shannon: WCC
Sent: 18 August 2022 15:53
To: Police General Licensing: WCC
Subject: Pitch 945 - Oxford Street - Notice of intent to rescind designation

Dear Police Licensing,

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 945 Oxford Street.

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Yours sincerely,



Shannon Pring
Senior Practitioner Street Trading
Licensing Service
Public Protection and Licensing

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GOLD ANIMAL ACTIVITY LICENSING 2021

Pring, Shannon: WCC

From: Pring, Shannon: WCC
Sent: 18 August 2022 15:51
To: Davycrocket515@gmail.com
Cc: Wally Watson
Subject: Pitch 945 - Oxford Street - Notice of intent to rescind designation

Dear Mr Warren,

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 945 Oxford Street.

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Yours sincerely,



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GOLD ANIMAL ACTIVITY LICENSING 2021

Pring, Shannon: WCC

From: Pring, Shannon: WCC
Sent: 18 August 2022 14:44
To: Fisher, Paul (Cllr): WCC; Lilley, Patrick (Cllr): WCC; Toale, Jessica (Cllr): WCC
Subject: Pitch 945 - Oxford Street - Notice of intent to rescind designation

Dear West End Councillors,

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 945 Oxford Street.

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Yours sincerely,



Shannon Pring

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GOLD ANIMAL ACTIVITY LICENSING 2021

Pring, Shannon: WCC

From: Pring, Shannon: WCC
Sent: 18 August 2022 15:52
To: Wally Watson
Cc: Nichola Kerr; david.a.chambers [REDACTED]
Subject: Pitch 945 - Oxford Street - Notice of intent to rescind designation

Dear WESTA,

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 945 Oxford Street.

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GOLD ANIMAL ACTIVITY LICENSING 2021



Shannon Pring
Senior Practitioner for Street
Trading

BY EMAIL: spring3@westminster.gov.uk

Licensing Team

Public Protection & Licensing
Westminster City Council

15th Floor
64 Victoria Street
London
SW1E 6QP

DATED 22nd August 2022

INTENTION TO RESCIND DESIGNATION: PITCH 945 JOHN PRINCESS STREET

Dear Shannon

Thank you for your letter/email dated the 18th of August 2022 re the designation of my pitch.

I would have opposed the designation but because of my private agreement with a local stakeholder

I support it.

Yours Sincerely



Pring, Shannon: WCC

From: Toale, Jessica (Cllr): WCC
Sent: 19 August 2022 18:09
To: Pring, Shannon: WCC; Fisher, Paul (Cllr): WCC; Lilley, Patrick (Cllr): WCC
Subject: Re: Pitch 945 - Oxford Street - Notice of intent to rescind designation

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for letting us know, Shannon.

Best,
Jessica

Cllr Jessica Toale
West End Ward

From: Pring, Shannon: WCC <spring3@westminster.gov.uk>
Sent: 18 August 2022 14:44
To: Fisher, Paul (Cllr): WCC <pfisher@westminster.gov.uk>; Lilley, Patrick (Cllr): WCC <plilley@westminster.gov.uk>;
Toale, Jessica (Cllr): WCC <jtoale@westminster.gov.uk>
Subject: Pitch 945 - Oxford Street - Notice of intent to rescind designation

Dear West End Councillors,

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WEST END STREET TRADERS BRANCH
N.M.T.F.

THE OLD VICARAGE, LANGLEYBURY,
KINGS LANGLEY, HERTS WD4 8QR
FAX NUMBER: 0208 5915427– OFFICE: 020 8591 1004
Committee Chairman: Wally Watson. Secretary: Caroline Pattenden
Committee Members: Mark Impleton, Victoria Munroe
Stephen Burney, Peter Compobassi
Treasurer: Stephen Burney

BY EMAIL.

23 August 2022

Shannon Pring
Public Protection & Licensing
15th Floor, City Hall
Victoria Street
London SW1E 6QP

Dear Shannon

INTENTION TO RESCIND DESIGNATION
PITCH 945 JOHN PRINCES STREET W1

Thank you for your email of 18 August 2022 informing WESTA of the Council's intention to designate Pitch 945, John Princes Street.

As Council officers are aware WESTA would normally be very concerned about such a proposal because of the risk to the livelihood of the trader concerned. In this instance, however, a local stakeholder has reached a private agreement with the licence-holder of Pitch 934. Consequently, on this occasion de-designation will not only accord with a Council policy objective and benefit a local stakeholder but will be achieved without detriment to the licence-holder of Pitch 945. Accordingly WESTA **supports** the Council's intention to de-designate Pitch 945 on the basis set out in the Council's email of 18 August 2022.

Yours sincerely



Wally Watson
Chairman – West End Street Trading Association

wallywatson@kws-imports.co.uk

Office 0208-591 1004

Mobile 07973210161

Pring, Shannon: WCC

From: Dwyer, Sean: WCC
Sent: 18 August 2022 16:11
To: Pring, Shannon: WCC
Subject: RE: Pitch 945 - Oxford Street - Notice of intent to rescind designation

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Shannon

I can confirm that Highways Planning would support the de-designation of this pitch.

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.



City of Westminster

From: Pring, Shannon: WCC <spring3@westminster.gov.uk>
Sent: 18 August 2022 15:53
To: Dwyer, Sean: WCC <sdwyer@westminster.gov.uk>
Subject: Pitch 945 - Oxford Street - Notice of intent to rescind designation

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