



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

05/04818/LI_STE

Date:

16 February 2023

Classification:

For General Release

Title of Report:

Street Trading - Isolated Pitch 1717 New Bond Street

Report of:

Director Public Protection & Licensing

Policy context:

To provide a safe, well-regulated environment.

Financial summary:

None

Report Author:

**Miss Farhana Ali
Senior Licensing Street Trading**

Contact Details:

**Telephone: 0781 566 4817
E-mail: fali1@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 1717 New Bond Street.
Pitch Designation:	New Bond Street east footway, 4' 6" from pedestrian cross push button pole, 18" from kerb edge. 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 1717 New Bond 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) specify' s 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 1717 is positioned on the east footway at the top of New Bond Street at its junction with Oxford Street.

The pitch has a licence attached to it and is currently operating as a retail unit selling mini pancakes, fruit with chocolate toppings, hot & cold drinks, juices & smoothies, souvenirs, neckwear, hats & gloves, bus tour tickets, telephone cards and sunglasses.

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 1717 New Bond 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 01 December 2022, the Licensing Service received a letter from the licence holder advising that she supports the council's intention to rescind the designation. The letter can be found at **Appendix C** of the report.

b) Ward Councillors:

At the time of publishing the report, the Licensing Service has not received any comments from the West End Ward Councillors.

c) West End Traders Association (WESTA):

On 01 December 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 03 January 2023, 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.

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 the Magistrates Court acting for the Area of the Council whose decision shall be final.

10. Recommendation

That the designating resolution passed by the Council on 25 July 1990 be varied to rescind the designation of street trading Pitch 1717 New Bond 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 West End Street Trading Association (WESTA)
Appendix E	Consultation response from Highways Planning

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Farhana Ali** at fali1@westminster.gov.uk

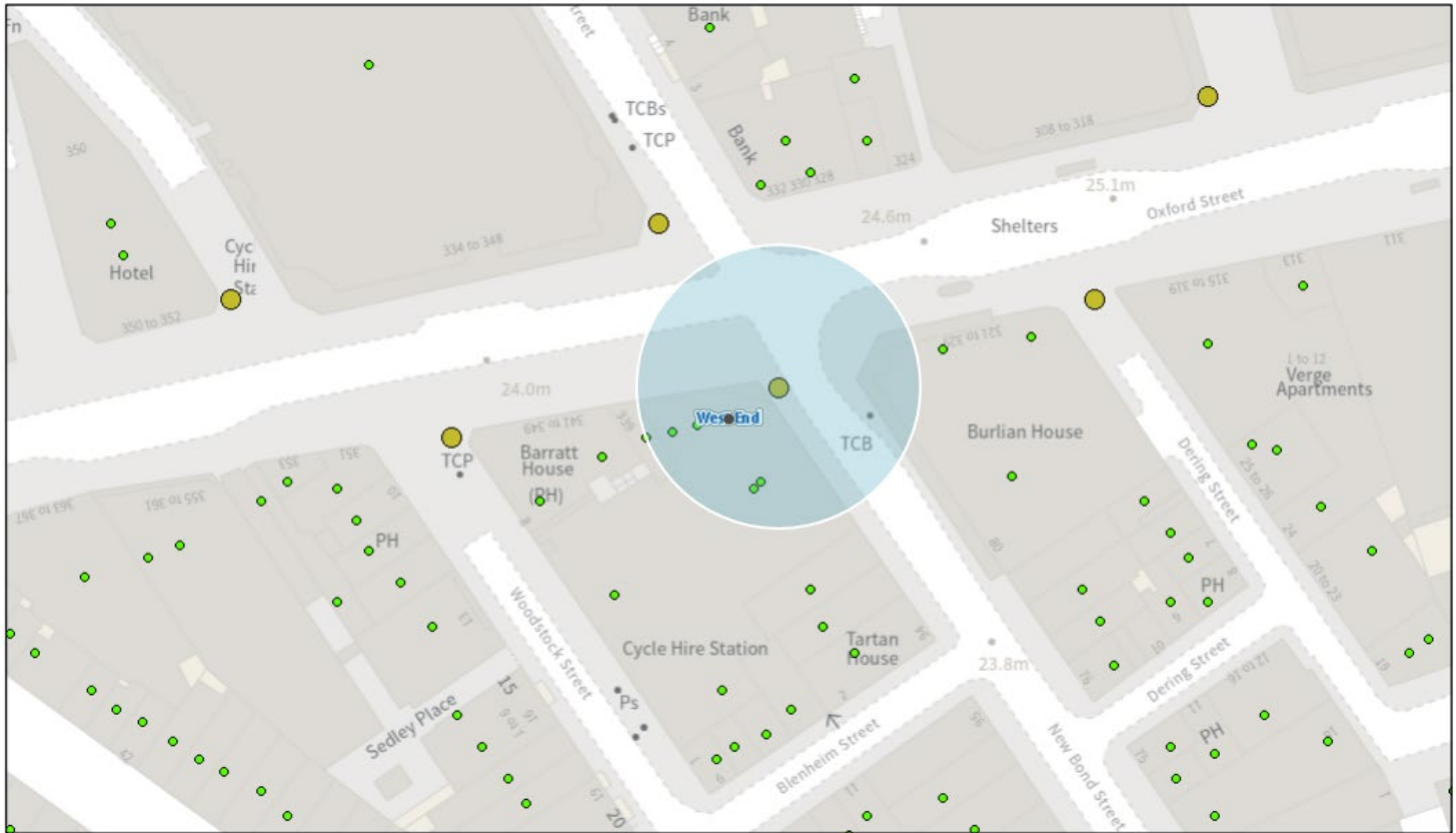
Background Documents – Local Government (Access to Information) Act 1972

- 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



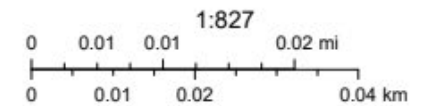
Google

Pitch 1717 - New Bond Street



12/01/2023, 12:15:57

- | | | | |
|-------------------------|-----------------------------|----------------|-------------------|
| Override 1 | Ward Labels | Exhibition | Temporary Traders |
| Property Mailing List | Borough Boundary - Detailed | Isolated Pitch | Vacant Pitch |
| Borough Boundary - Mask | Live Street Trading | Market | |
| Ward Boundaries | Casual Traders | Street Trading | |



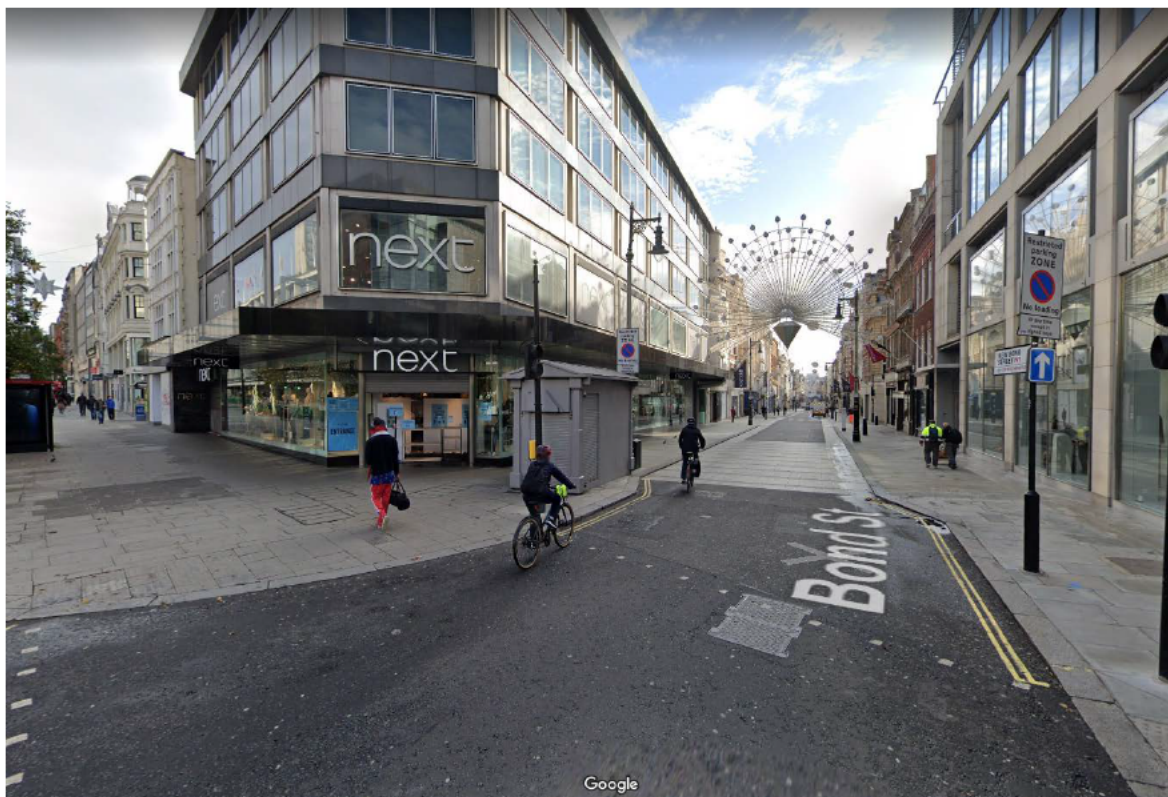
From: [street_tradinglicensing: WCC](#)
To: [Dwyer, Sean: WCC](#)
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:20:23
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)

Dear Highways Authority,

INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND 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 1717 New Bond Street.

Pitch 1717 New Bond Street is located on New Bond Street east footway, 4' 6" from pedestrian cross push button pole, 18" from kerb edge. 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 1717, in Bond 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 **27 December 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,



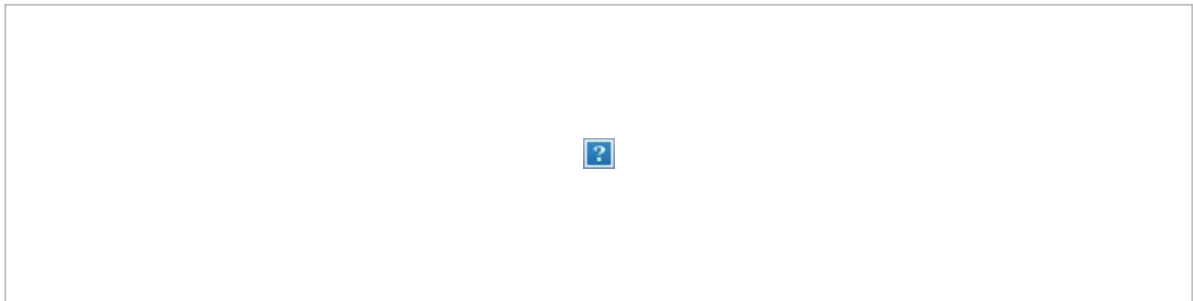
Mr Jonathan Russell Lloyd

Senior Licensing Officer | Public Protection and Licensing

Westminster City Council | City Hall, 15th floor, 64 Victoria Street, London SW1E 6QP

T: **0207 641 6500** (Contact Centre) | T: **07971 026993** (Personal)

E: jrlloyd@westminster.gov.uk | W: www.westminster.gov.uk



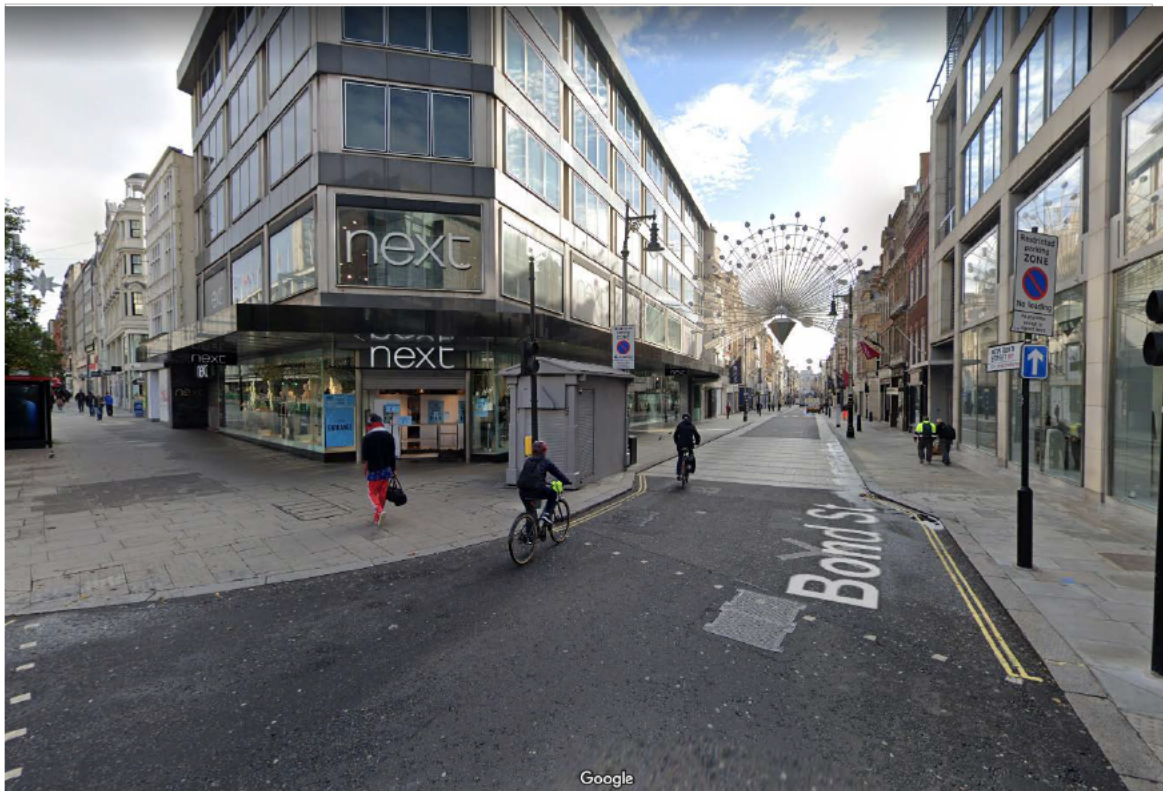
From: [street_tradinglicensing: WCC](#)
To: [Police General Licensing: WCC](#)
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:21:42
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)

Dear Police Licensing,

INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND 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 1717 New Bond Street.

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Yours sincerely,



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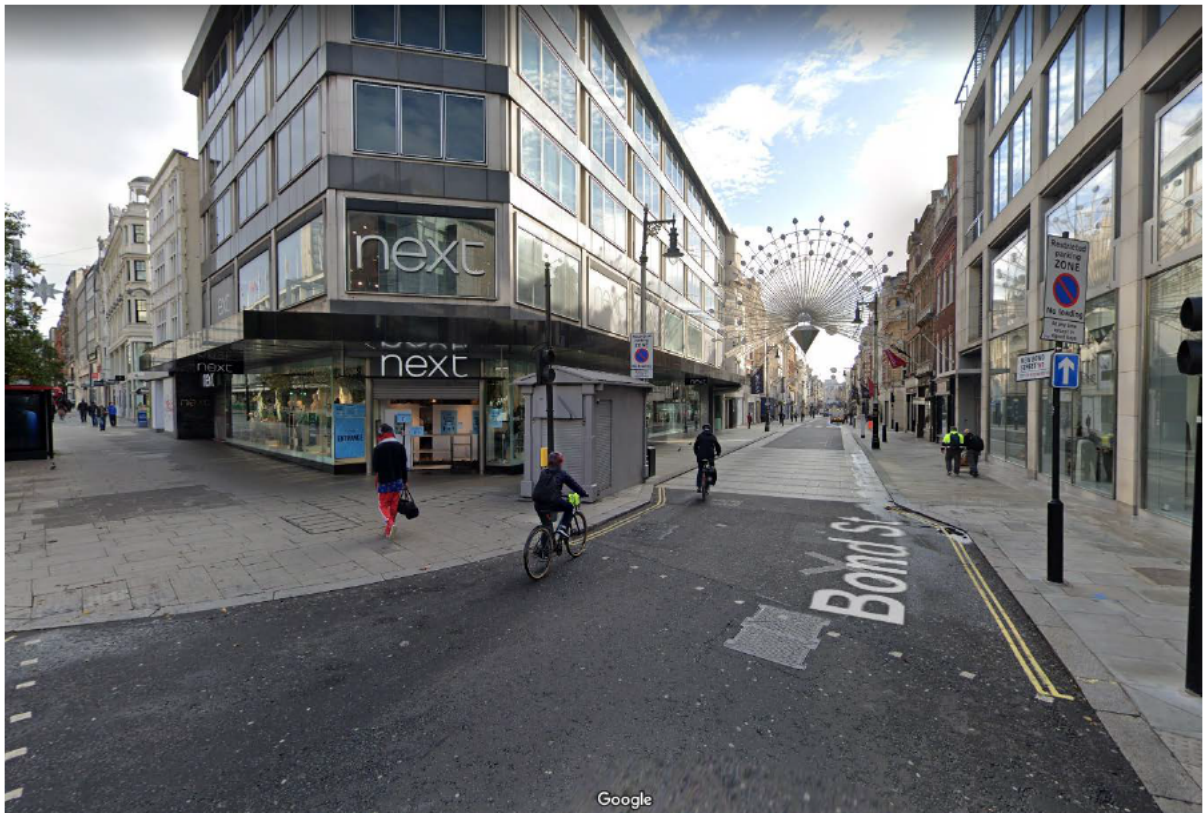


From: [street_tradinglicensing: WCC](#)
To: [REDACTED]
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:25:45
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Dear [REDACTED]

INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET

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Yours sincerely,



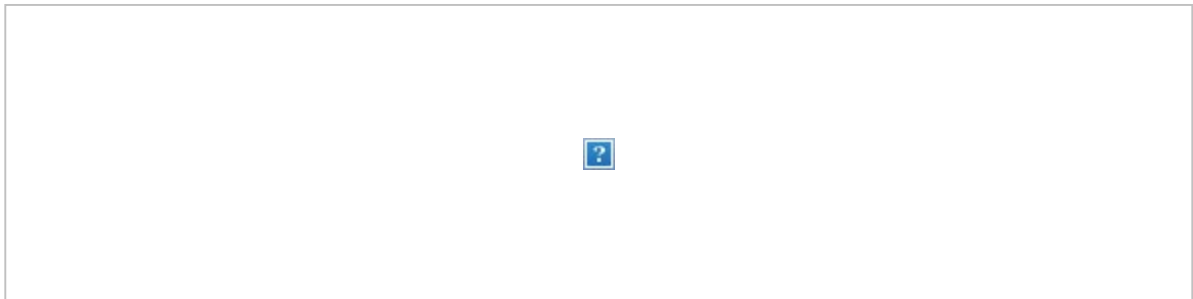
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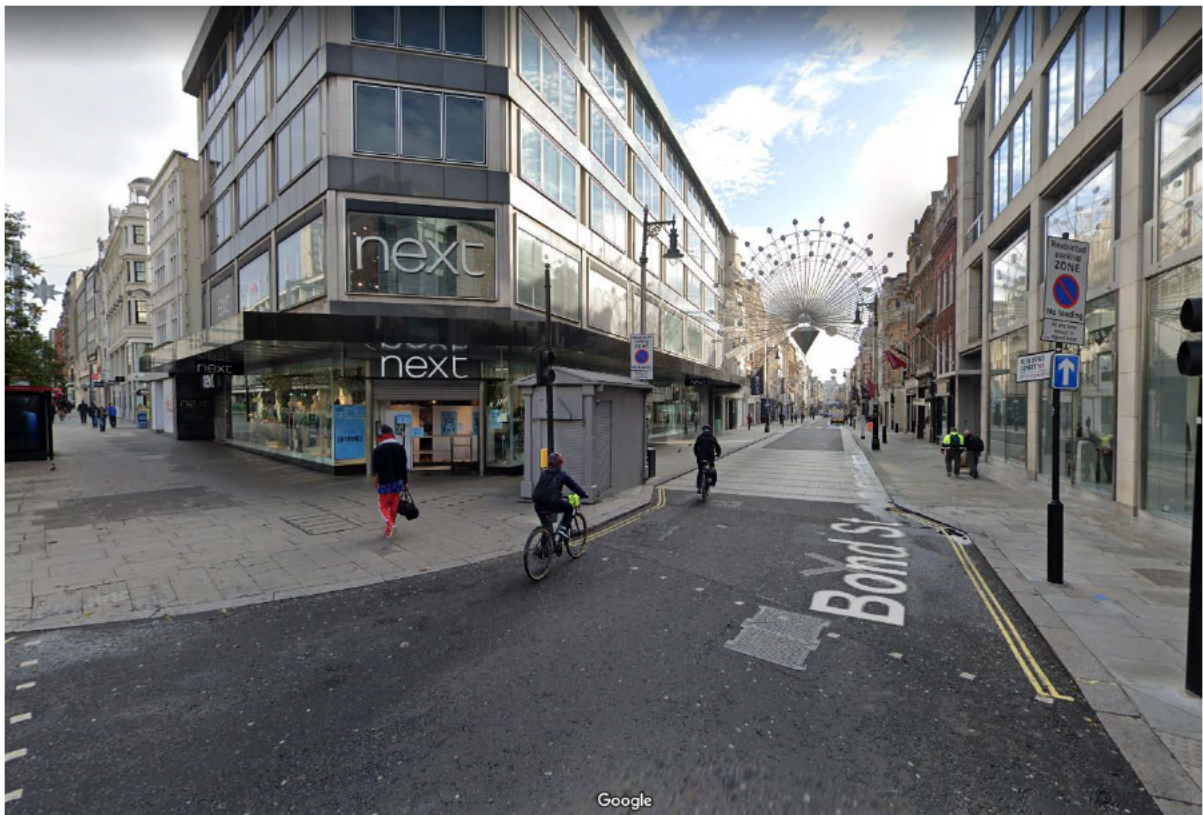
From: [street_tradinglicensing: WCC](#)
To: [Fisher, Paul \(Cllr\): WCC](#); [Lilley, Patrick \(Cllr\): WCC](#); [Toale, Jessica \(Cllr\): WCC](#)
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:23:26
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Dear West End Councillors,

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Yours sincerely,



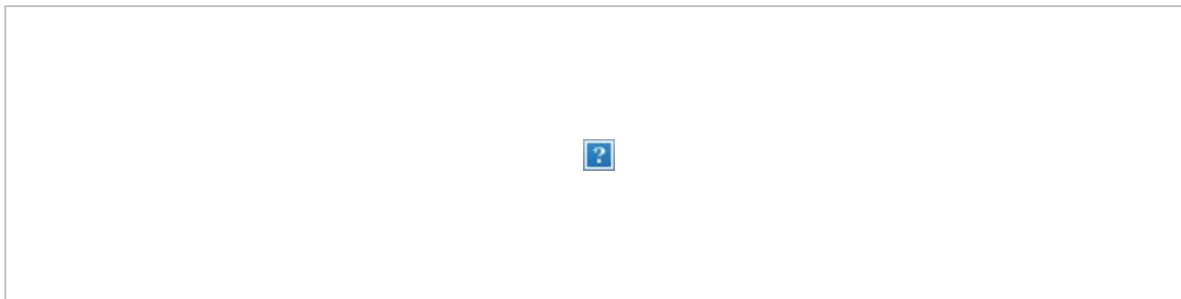
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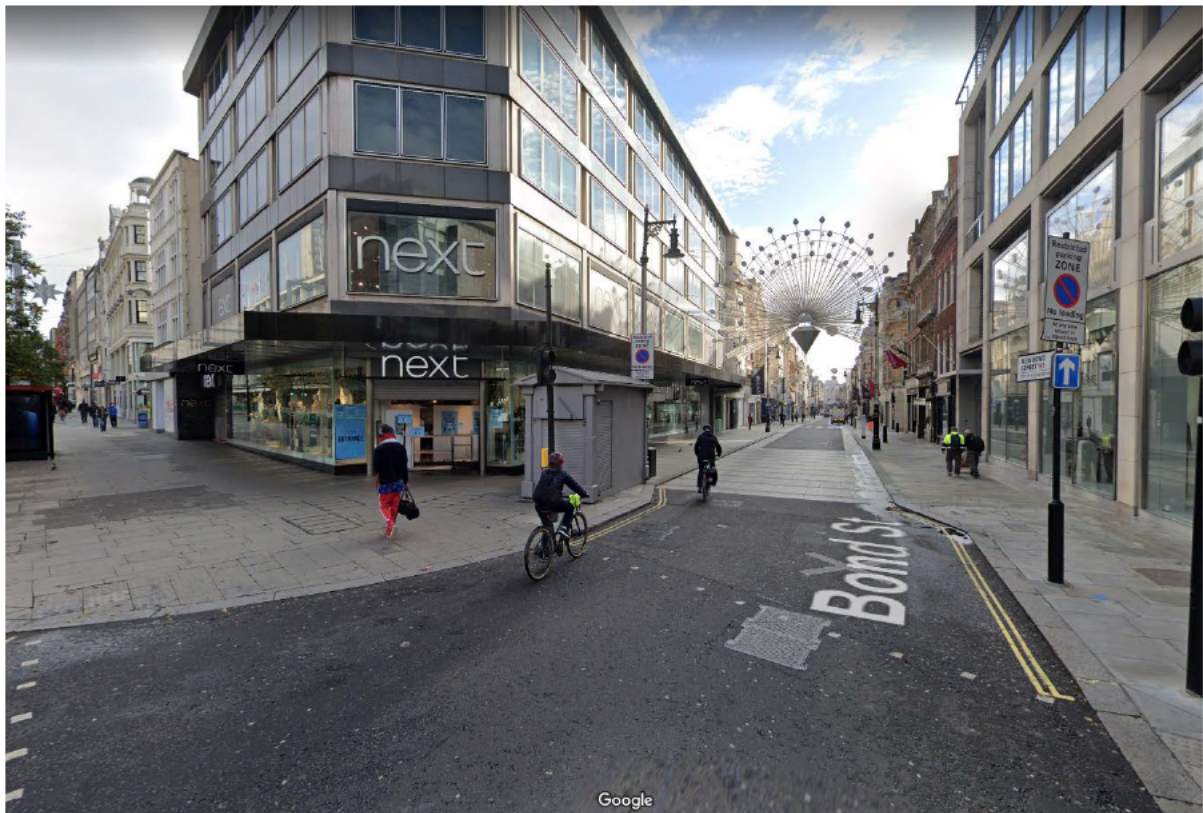
From: [street_tradinglicensing: WCC](#)
To: wallywatson@kws-imports.co.uk
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:27:05
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Dear Mr Watson,

INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET

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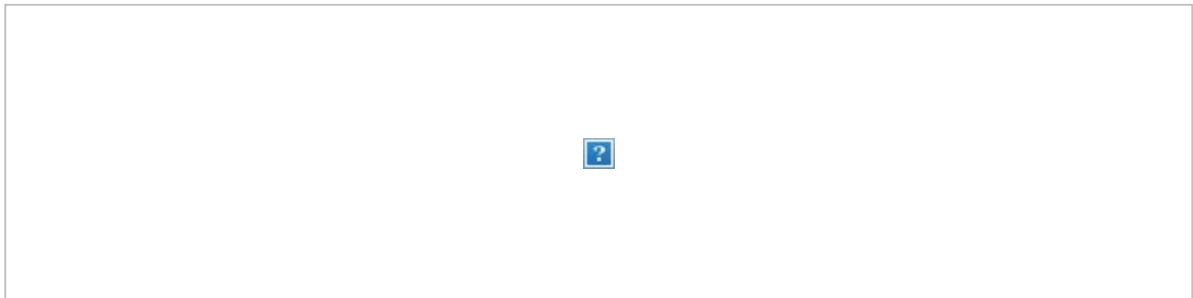
Mr Jonathan Russell Lloyd

Senior Licensing Officer | Public Protection and Licensing

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Jonathan Russell Lloyd
Senior Licensing Officer
Public Protection and Licensing
Westminster City Council
15th Floor, City Hall
Victoria Street, SW1E 6QP



By email jrlloyd@westminster.gov.uk

1 December 2022

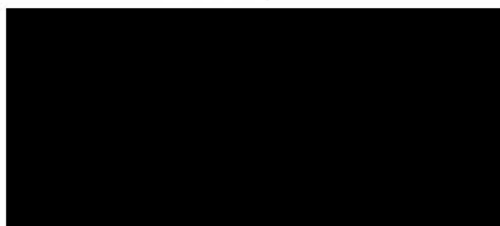
Dear Jonathan

**INTENTION TO RESCIND DESIGNATION: PITCH 1717
NEW BOND STEET**

Thank you for your notice of 29 November 2022 advising that the Council intends to rescind the designating resolution for street trading from pitch 1717, New Bond Street. As you will know from your records with the assistance of WESTA I have successfully resisted previous attempts to deprive me of my livelihood by de-designating my pitch. However, I have reached agreement with a local stakeholder to voluntarily surrender my licence for the pitch if the Council de-designates it.

Accordingly, I support the proposed de-designation.

Yours sincerely



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: jrlloyd@westminster.gov.uk

1 December 2022

Jonathan Russell Lloyd
Senior Licensing Officer /Public Protection and Licensing
Westminster City Council
15th Floor, City Hall
64 Victoria Street
London SW1E 6QP

Dear Jonathan

INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET W1

Thank you for your notice advising that the Council intends to rescind the designating resolution for street trading from pitch 1717, New Bond Street.

As you are no doubt aware some Council officers have long wanted to de-designate this pitch. In December 2014 officers recommended to the Licensing Sub-Committee that the designating resolution be rescinded. This recommendation was strongly opposed by both the licence holder and WESTA and the Sub-Committee decided to defer a decision indefinitely to allow officers time to review the position. As far as WESTA is aware the 2014 rescinding recommendation has not been withdrawn nor returned to the Licensing Sub-Committee and is still outstanding.

However, Council officers continued to seek the removal of the trader - most notably in 2019 when WESTA sought legal advice in successfully resisting the attempt which did not reach the Licensing Sub-Committee.

Under normal circumstances WESTA would have continued to strongly oppose the de-designation of this pitch. However, a local stakeholder has reached a private agreement with the licence holder for her to voluntarily surrender her licence.

In these circumstances the de-designation of Pitch 1717 will fulfil the aims of Council officers, accord with a policy objective of the Council and be achieved without detriment to the licence holder. Accordingly, WESTA supports the proposal to

rescind the designating resolution for this pitch on the basis of your notice of 29 November 2022.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wally Watson', is centered below the text 'Yours sincerely'.

Wally Watson
Chairman – West End Street Trading Association

wallywatson@kws-imports.co.uk

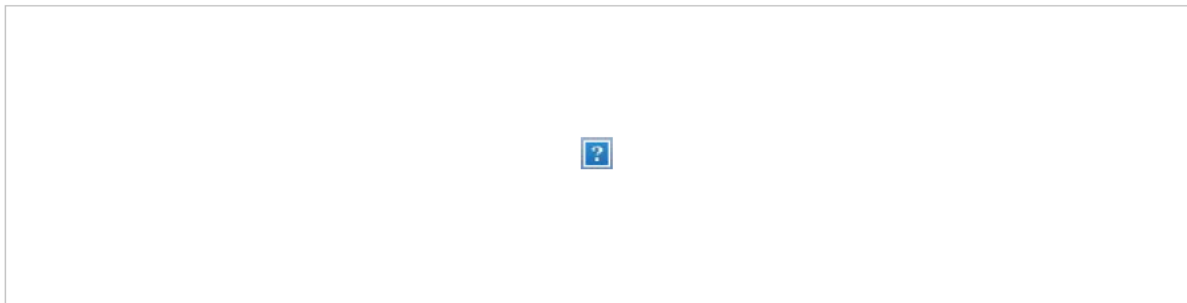
Office 0208-591 1004

Mobile 07973210161

From: [Lloyd, Jonathan Russell: WCC](#)
To: [Pring, Shannon: WCC](#)
Subject: FW: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 03 January 2023 10:52:01
Attachments: [image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.png](#)

Mr Jonathan Russell Lloyd
Senior Licensing Officer | Public Protection and Licensing

Westminster City Council | City Hall, 15th floor, 64 Victoria Street, London SW1E 6QP
T: 0207 641 6500 (Contact Centre) | **T: 07971 026993** (Personal)
E: jrlloyd@westminster.gov.uk | **W: www.westminster.gov.uk**



From: Dwyer, Sean: WCC <sdwyer@westminster.gov.uk>
Sent: 03 January 2023 10:42
To: street, tradinglicensing: WCC <streettradinglicensing@westminster.gov.uk>
Cc: Lloyd, Jonathan Russell: WCC <jrlloyd@westminster.gov.uk>
Subject: RE: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET

Hi Jonathan

Thank you for consulting Highways Planning on this proposal.

To be honest I can't really see any circumstances under which Highways would not support the de-designation of a pitch. If it were to be replaced somewhere else we might want to comment on the new location, but where it is being taken away I think we would always support that.

With the pitch gone it will free up more space for pedestrians to use.

Sean

Sean Dwyer
Highways Planning Manager
City Highways
Environment and City Management
13th Floor City Hall,
64 Victoria Street, London, SW1E 6QP