



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

Date:

16 November 2023

Classification:

For General Release

Title of Report:

Street Trading – Bell Street Market

Report of:

Director Public Protection & Licensing

Policy context:

To provide a safe, well-regulated environment.

Financial summary:

None

Report Author:

**Bushara Hamida
Senior Licensing Officer Street Trading**

Contact Details:

**Telephone: 07971 920 374
E-mail: bhamida@westminster.gov.uk**

PROPOSAL DETAILS

| | |
|---------------------------|---|
| Proposal: | To rescind the designating resolution for designated market namely Bell Street Market. |
| Pitch Designation: | The original designation for Bell Street Market is “from Edgware Road east side building line to party line of the Salvation Army Hall and No. 48 Bell Street”. The pitch location can be found at Appendix A |
| Ward Name: | Church Street |

1. Purpose of the report

The Licensing Sub-Committee is asked to rescind the designating resolution for designated market namely Bell Street Market as recommended by officers.

2. Background

The original designation for Bell Street Market is “from Edgware Road east side building line to party line of the Salvation Army Hall and No. 48 Bell Street”.

Bell Street Market is comprised of 4 pitches numbered 859 to 862 inclusive.

Bell Street Market has not been licensed for in excess of 10 years.

3. Consultation

In seeking to de-designate Bell Street Market 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 relevant Ward Members.

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

4. Consultation Responses:

a) Ward Councillors:

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

b) West End Traders Association (WESTA):

On 15 June 2023, the Licensing Service received an email that they have no representations to make. The email can be found at **Appendix C** of the report.

c) Highways Planning:

At the time of publishing the report the Licensing Service has not received any comments from the Highways Authority.

d) Metropolitan Police Service:

At the time of publishing the report the Licensing Service has received a 'no objection' comment from the Metropolitan Police Licensing Team. This email can be found at **Appendix D** of the report.

5. 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 vary the designation of Bell Street Market does not breach its public sector equality duty.

6. 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.*

7. 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.

8. 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 whose decision shall be final.

9. Recommendation

To rescind the designating resolution for designated market namely Bell Street Market.

List of Appendices

| | |
|-------------------|--|
| Appendix A | Pitch location |
| Appendix B | Consultation letter sent to relevant parties |
| Appendix C | Consultation response from West End Street Trading Association (WESTA) |
| Appendix D | Consultation response from Police Licensing |

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Bushara Hamida** at bhamida@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

Appendix A



Councillor Aziz Toki
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: **0114 551 3797**

Date: 07 June 2023

Dear Councillor Aziz Toki,

INTENTION TO RESCIND DESIGNATION: Bell Street Market

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 designated market namely Bell Street Market.

The original designation for Bell Street Market is “from Edgware Road east side building line to party line of the Salvation Army Hall and No. 48 Bell Street”.

Bell Street Market is comprised of 4 pitches numbered 859 to 862 inclusive. The following image is a photograph of where the market and (pitches) are 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;”*

Bell Street Market has not been licensed for in excess of 10 years and as such we consider it appropriate to rescind the designation of this street market and pitches.

Anyone wishing to make representations about the Council's application should do so by **05 July 2023**. 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 that reads 'B Hamida'.

Bushara Hamida
Senior Licensing Officer
Street Trading Licensing Team

Councillor Matt Noble
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: **0114 551 3797**

Date: 07 June 2023

Dear Councillor Matt Noble,

INTENTION TO RESCIND DESIGNATION: Bell Street Market

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 designated market namely Bell Street Market.

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Yours sincerely,

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Bushara Hamida
Senior Licensing Officer
Street Trading Licensing Team

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

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

Tel. No: 0114 551 3797

Date: 07 June 2023

Dear Sean Dwyer,

INTENTION TO RESCIND DESIGNATION: Bell Street Market

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 designated market namely Bell Street Market.

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Yours sincerely,

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Bushara Hamida
Senior Licensing Officer
Street Trading Licensing Team

Police Licensing on behalf of Ben Chadwick
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: **0114 551 3797**

Date: 07 June 2023

Dear Police Licensing on behalf of Ben Chadwick,

INTENTION TO RESCIND DESIGNATION: Bell Street Market

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 designated market namely Bell Street Market.

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Yours sincerely,

A handwritten signature in black ink that reads 'B Hamida'.

Bushara Hamida
Senior Licensing Officer
Street Trading Licensing Team

Wally Watson & Nichola Kerr
West End Street Traders Branch
N.M.T.F.
The Old Butchers Shop
The Green Sarrett
Rickmansworth
WD3 6AT

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

Tel. No: **0114 551 3797**

Date: 07 June 2023

Dear Wally Watson & Nichola Kerr,

INTENTION TO RESCIND DESIGNATION: Bell Street Market

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 designated market namely Bell Street Market.

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Anyone wishing to make representations about the Council's application should do so by **05 July 2023**. 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 that reads 'B Hamida'.

Bushara Hamida
Senior Licensing Officer
Street Trading Licensing Team

Councillor Aicha Less
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: **0114 551 3797**

Date: 07 June 2023

Dear Councillor Aicha Less,

INTENTION TO RESCIND DESIGNATION: Bell Street Market

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 designated market namely Bell Street Market.

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Yours sincerely,

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Bushara Hamida
Senior Licensing Officer
Street Trading Licensing Team

From: [Nichola Kerr](#)
To: [Hamida, Bushara: WCC](#)
Subject: Re: Notification of intent to rescind the designation for Bell Street Market
Date: 15 June 2023 13:14:35

Afternoon Bushara

The West End Street Traders Association does not have an interest in Bell Street Market therefore has no representations to make in respect of the Council's proposal to rescind the designation for Bell Street Market.

Kind regards

Nichola

On 7 Jun 2023, at 12:55, Hamida, Bushara: WCC
<bhamida@westminster.gov.uk> wrote:

Dear Wally & Nichola,

Please see attached a letter informing you of the Licensing Services' intention to rescind the designation for Bell Street Market.

Kind regards,

Bushara Hamida
Senior Licensing Officer
Licensing Service
Public Protection and Licensing

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

0114 551 3797 (Direct Number)
0207 641 6500 (Contact Centre)
bhamida@westminster.gov.uk
www.westminster.gov.uk

<image001.png>

**

FREE EARLY EDUCATION AND CHILDCARE

15 hours of free early education and childcare is available for all 3 and 4 year olds for up to 38 weeks per year, with an extended entitlement of 30 hours where eligible.

From: Ben.J.J.Chadwick@met.police.uk
To: [Hamida, Bushara: WCC](#)
Subject: RE: Notification of intent to rescind the designation for Bell Street Market
Date: 07 June 2023 21:25:56
Attachments: [image002.png](#)

You don't often get email from ben.j.j.chadwick@met.police.uk. [Learn why this is important](#)

No objections

From: Hamida, Bushara: WCC <bhamida@westminster.gov.uk>
Sent: 07 June 2023 12:52
To: Chadwick Ben - AW-CU <Ben.J.J.Chadwick@met.police.uk>
Subject: Notification of intent to rescind the designation for Bell Street Market

Dear Ben Chadwick,

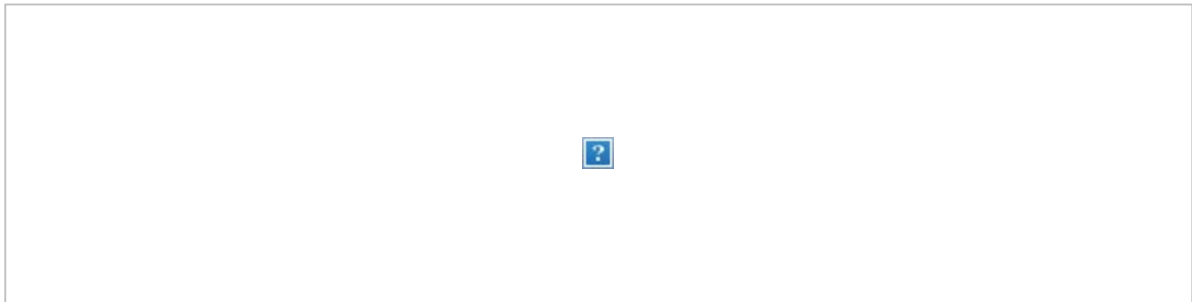
Please see attached a letter informing you of the Licensing Services' intention to rescind the designation for Bell Street Market.

Kind regards,

Bushara Hamida
Senior Licensing Officer
Licensing Service
Public Protection and Licensing

Westminster City Council
15th Floor
Westminster City Hall
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0114 551 3797 (Direct Number)
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