



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 - Isolated Pitch 1677 Hill's Place

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 Pitch 1677 at Hill's Place.
Pitch Designation:	The original designation for Pitch 1677 is "Hill's Place west carriageway junction with Oxford Street in line with the Oxford Street Building Line." The pitch location can be found at Appendix A
Ward Name:	West End

1. Purpose of the report

The Licensing Sub-Committee is asked to rescind the designating resolution for designated Pitch 1677 at Hill's Place 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

The original designation for Pitch 1677 is "Hill's Place west carriageway junction with Oxford Street in line with the Oxford Street Building Line."

Due to construction works the licence holder for Pitch 1677 was temporarily relocated to a vacant pitch (1720) in Gilbert Street. As the changes to the location on Hill's Place made the location unsuitable for street trading the licence holder formally applied to transfer their licence to Pitch 1720 Gilbert Street in March 2023.

Pitch 1677 has not been used as a street trading pitch in excess of 10 years.

4. Consultation

In seeking to de-designate Pitch 1677 at Hill's Place 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**.

5. 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 August 2023, the Licensing Service received an email that they support the de designation of Pitch 1677. 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 not received any comments from the Police Service.

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 vary the designation of Pitch 1677 Hill's Place does not breach its public sector equality duty.

7. Street Trading Policy

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 whose decision shall be final.

10. Recommendation

To rescind the designating resolution for designated Pitch 1677 at Hills Place.

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)

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

Original Pitch Layout



Current Street Layout



Appendix B

Appendix C



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: 7 August 2023

Dear Sean,

INTENTION TO RESCIND DESIGNATION: Pitch 1677, Hills 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 designated Pitch 1677 at Hills Place.

The original designation for Pitch 1677 is "Hill's Place west carriageway junction with Oxford Street in line with Oxford Street with Oxford Street Building Line."

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 1677 has not been licensed for in excess of 10 years and as such we consider it appropriate to rescind the designation of this pitch.

Anyone wishing to make representations about the Council's application should do so by **5 September 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, appearing to be 'RW'.

Robert Williams
Senior Licensing Officer
Street Trading Licensing Team

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: 7 August 2023

Dear Police Licensing,

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

Tel. No: 0114 551 3797

Date: 7 August 2023

Dear West End Councillors,

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Street Trading Licensing Team

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London SW1E 6QP

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

Tel. No: **0114 551 3797**

Date: 7 August 2023

Dear WESTA,

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Yours sincerely,

A handwritten signature in black ink, appearing to be 'RW'.

Robert Williams
Senior Licensing Officer
Street Trading Licensing Team

From: [Williams, Robert: WCC](#)
To: [Nichola Kerr](#)
Cc: [Wally Watson](#)
Subject: RE: Rescind Designation for Pitch 1677
Date: 15 August 2023 10:01:00
Attachments: [image001.png](#)

Dear Nichola,

Thank you for your email.

I acknowledge WESTA's support of the de-designation of Pitch 1677, and will let you know once we have a date it is to be heard at sub-committee.

Kind regards

Robert Williams
Senior Licensing Officer
Licensing Service
Public Protection and Licensing

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

07866 019 686
0114 551 3793 (Payments only)
0207 641 6500 (Contact Centre)
rwilliams1@westminster.gov.uk
Westminster.gov.uk



From: Nichola Kerr <nichola_kerr@me.com>
Sent: Tuesday, August 15, 2023 9:47 AM
To: Williams, Robert: WCC <rwilliams1@westminster.gov.uk>
Cc: Wally Watson <wallywatson@kws-imports.co.uk>
Subject: Rescind Designation for Pitch 1677

Morning Robert

Thank you for your email dated 7 August 2023 informing WESTA of the proposal to de-designate 1677 at Hills Place W1. As Julie Baker has been granted a permanent street trading licence for 1720 Gilbert Street W1, WESTA would support the de-designation of Pitch 1677.

I shall be grateful to receive an acknowledgement of this email and the date the matter is to be heard by the Licensing Sub-Committee.

Kind regards

Nichola

Begin forwarded message:

From: "Williams, Robert: WCC" <rwilliams1@westminster.gov.uk>
Subject: Rescind designation for pitch 1677
Date: 7 August 2023 at 11:02:22 BST
To: "wallywatson@kws-imports.co.uk" <wallywatson@kws-imports.co.uk>, "nichola_kerr@me.com" <nichola_kerr@me.com>

Dear WESTA,