



City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**23/08352/ST\_VAR**

Date:

**7 December 2023**

Classification:

**For General Release**

Title of Report:

**Berwick Street Market Layout – Demarcation, and numeration of pitches**

Report of:

**Director Public Protection & Licensing**

Policy context:

**City of Westminster Statement of Street Trading Policy 2013 and Strategy for Westminster City Council's markets 2019-2022**

Financial summary:

**None**

Report Author:

**Shannon Pring  
Street Licensing Principal Licensing Officer**

Contact Details:

**Telephone: 07971 920 413  
E-mail: [spring3@westminster.gov.uk](mailto:spring3@westminster.gov.uk)**

## 1. Executive Summary

- 1.1 This report sets out the proposed electrical infrastructure upgrade and subsequent pitch realignment for Berwick Street Market. This includes the rationale to realign the current market layout, a background to the electrical upgrade and the benefits these changes will deliver, to ensure the market thrives and proposers.
- 1.2 The proposals have been designed to implement the necessary improvements to trader's electricity access and identifiable pitch markings, in line with commitments made in the Council's Markets Strategy, whilst improving health and safety by adopting the recommended principles as advised by London Fire Brigade.
- 1.3 Any of the proposed layouts will require that licences from Pitch 1111 be varied to reflect the new pitch numbers so that the pitch numbers run consecutively and reflect the layout. The full list of affected licences are highlighted below. The Licensing Service is only permitted to vary street trading licences, without trader consent on the 1<sup>st</sup> January in any given year.

## 2. Background

- 2.1 Berwick Street Market is a designated street market that has an approved layout for 34 market pitches; however due to the implementation of 1m fire breaks between pitches there are 8 pitches that were marked as 'not suitable for trading' during 2020 and subsequently have not been open for applications.
- 2.2 Therefore, the market operates with 26 pitches that are currently licensed in a combination of midweek and Monday to Saturday licences. The market commodities are primarily hot food offerings, with the addition of a clothing stall, dairy products & hot beverages and fruit & vegetables stall.
- 2.3 Historically there have been issues with traders not trading in the correct pitch locations, with trader locations mainly being dictated by the closest electrical bollard. This has been further compounded by the lack of pitch markings and pitch numbering.

## 3. London Fire Brigade Principles for Safety in the Market

- 3.1 On 1<sup>st</sup> February 2023 Market Development Officers, Harry Whitehouse and Sandra Robbie (previously market development officer, now Senior Licensing Officer for Premises Licensing), met with David Doyle, Fire Safety Inspecting Officer, on a Teams Meeting. The principals for safety were discussed and the summary of the discussion has been provided in an email between the parties. A copy of the emails are attached as **Appendix A**.
- 3.2 Following the meeting, the 3 layout proposals were created and sent to Mr Doyle for advice on 2<sup>nd</sup> February 2023. The layouts included the following recommendations from the Fire Safety Inspecting Officer:
  - a) 6m at Broadwick Street end
  - b) 3m Peter Street end – dry goods stall as end pitch
  - c) 1m gap between cooking stalls
  - d) Maintaining free access to Kemp House – to either 5.6m or 9.6m depending on which plan layout is used.
- 3.3 Mr Doyle responded that he was content with all of the proposals but in the first instance would prefer the option that included the maximum width outside Kemp House; although would content with any of the option to give maximum flexibility.
- 3.4 On 14 February 2023, Mr Doyle provided a further explanation as to the context behind the specific requirements provided. He advised that the 5.6m space outside Kemp House is to allow for initial LFB Firefighting set up and Operations by crews directly in front of the building including

access to the firefighting facilities at the building – he stated that obviously if it was a serious fire at Kemp House and the LFB needed additional space for access of fire appliances this would be organised by the LFB Incident Commander.

He also confirmed that the 3m and 6m free space at the junctions (including fire barrier at Broadwick end) allows available access by fire engines to make an initial approach into Berwick St. The more infrastructure at the junction – such as stalls right on the junction would hinder such access.

Further he confirmed that the Broadwick St fire gates are a primary approach for fire appliances and hence the 6m free space is recommended. He acknowledged that the Peter St turn is tight but given the stalls are “dry goods” not cooking they could initially be better moved if required to facilitate improved access , hence the 3m free space.

#### 4. Consultation

- 4.1 The Licensing Service undertook a 28-day consultation that ran between 19 October 2023 and 16 November 2023 to request that traders and businesses select their preferred layout option and to advise that all of the layouts will require a variation to the licence to correct the pitch number but that no other variations to licences would be sought.
- 4.2 All the traders and business on the market section of Berwick Street received a hand-delivered copy of the letter. Officers from the Licensing Service and the Market Development Team attended the market on 19 October 2023 to explain the consultation and answer any questions from traders and businesses. Copies of the consultation letters are attached as **Appendix B** of the report.
- 4.3 In addition, the Licensing Service sent copies of the consultation letters to 115 residents within a 65m ratio of Berwick Street. The Map showing the Berwick Street Resident and Business Consultation is attached as **Appendix C** of the report.
- 4.4 As part of the consultation letter there were three layout options proposed. The pros and cons of each option were included in the letter. The three layout options are attached as **Appendix D** of the report.

#### 5. Consultation Responses:

- 5.1 The below table is a summary of the options selected. The full summary of consultation responses received are attached as **Appendix E**. The Licensing Service has provided responses to the points raised in the consultation. These are marked in red in the document.

Option 1	Option 2	Option 3	No objection to any of 3 options proposed	None of the options /Alternative option
4	0	2	3	15

## 6. Recommendations

- 6.1 The Council's Licensing Service recommends that the Licensing Sub-Committee:
- a) Approve Option 1 to become the new approved layout for Berwick Street Market as this option was the most favourable in all of the consultation responses; and
  - b) Vary the licences for pitches 1111 onwards, to reflect consecutive numbering after pitch 1108, to take effect from 1 January 2024. The specific licences to be varied are:
    - MAR57851: Pitch 1111 to become Pitch 1109
    - MAR52287: Pitch 1113 to become Pitch 1111
    - MAR57526: Pitch 1114 to become Pitch 1112
    - MAR56753: Pitch 1115 to become Pitch 1113
    - MAR56345: Pitch 1117 to become Pitch 1114
    - MAR38939: Pitch 1118 to become Pitch 1115
    - MAR55685: Pitch 1119 to become Pitch 1116
    - MAR38981: Pitch 1120 to become Pitch 1117
    - MAR38944: Pitch 1122 to become Pitch 1118
    - MAR38933: Pitch 1114 to become Pitch 1119
    - MAR38946: Pitch 1125 to become Pitch 1120
    - MAR53236: Pitch 1126 to become Pitch 1121
    - MAR53758: Pitch 1127 to become Pitch 1122
    - MAR57646: Pitch 1128 to become Pitch 1123
    - MAR38941: Pitch 1131 to become Pitch 1124
    - MAR38942: Pitch 1132 to become Pitch 1125
    - MAR38935: Pitch 1134 to become Pitch 1127

## 7. Street Trading Policy

7.1 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.*

### **Reason for policy**

Policy ST5(9) states that in accordance with the City of Westminster Act 1999, the licensing authority will designate and de-designate street trading pitches to ensure that street trading is carried on in suitable locations and not carried on in unsuitable locations.

It continues in Policy 5(10) that regular maintenance of a list of all currently designated street trading pitches will ensure that decent trading pitches continue to be available for traders. To achieve this, **disused pitches or those that have become unsuitable will be de-designated and removed from the list.**

## **8. Legal Framework**

### **8.1 Variation of licences**

1) Section 16 of the City of Westminster Act 1999 (the Act) provides:

(1) In addition to changes to any of the standard conditions which the council may make under section 10 (Standard conditions) of this Act the council may vary a street trading licence on 1st January in any year during the currency of the licence.

(2) Subject to the provisions of this Act, the council may also at any time vary a street trading licence on application by the licence holder in accordance with his application.

2) Section 17 of the Act provides:

(1) The council shall before—

(a) refusing an application for the grant of a street trading licence, other than on the grounds specified in section 12 (Mandatory grounds of refusal) of this Act;

(b) revoking a street trading licence or a temporary licence valid for a period exceeding 28 days; or

(c) varying a street trading licence other than a variation to a standard condition as set out in section 10 (Standard conditions) of this Act;

give to the applicant or licence holder at least 21 days notice in writing of their proposal and the grounds on which the proposed refusal, revocation or variation would be based and giving the applicant or licence holder the opportunity to appear before the committee, sub-committee, authorised officer or panel of officers determining the matter.

(2) The council may consider and determine any of the matters set out in paragraph (a) to (c) of subsection (1) above where a shorter period of notice than the 21 days required by that subsection has been given, provided the applicant or licence holder has so consented in writing.

(3) If an application is refused or a licence is revoked or varied (other than under subsection (2) of section 16 (Variation of licences) of this Act) the council shall notify the applicant or licence holder in writing of—

(a) the decision together with the grounds and reasons for that decision; and

(b) any rights of appeal against that decision.

## **9. Appeals**

9.1 Section 18 of the Act provides that

(1) Any person aggrieved:

- a. By a decision of the council to refuse an application under Section 11 (Applications) of this Act other than on any of the grounds specified in Section 12 (Mandatory Grounds for Refusal) of this Act or to revoke a street trading licence; or
- b. By a decision of the council to grant a street trading licence on terms other than those sought; or
- c. By a decision of the council to vary a street trading licence other than by a change to the standard conditions; or
- d. By the attachment to a street trading licence of any condition other than a condition to which the licence had hitherto been subject or a standard condition; or
- e. By a prohibition under subsection (2) of Section 4 (Itinerant Ice Cream Trading) of this Act;

May appeal to a Magistrates' Court acting for the area in which the street trading pitch is situated or in which is situated the street to which the Prohibition relates.

## **10. Equality Implications**

10.1 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 change the approved market layout and subsequently vary the licences for pitches 1111 onwards does not breach its public sector equality duty.

## List of Appendices

Appendix A	Email to and from London Fire Brigade re. safety principles on the market
Appendix B	Consultation letters to licence holders and residents and businesses
Appendix C	Map of consultation area
Appendix D	3 proposed layout options
Appendix E	Consultation responses
Appendix F	Response from Market Development team to Robin Smith

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](mailto: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

## APPENDIX A

**From:** [David.doyle@london-fire.gov.uk](mailto:David.doyle@london-fire.gov.uk)  
**To:** [Whitehouse, Harry: WCC](#)  
**Cc:** [Robbie, Sandra: WCC](#)  
**Subject:** RE: Berwick Street Layout - LFB Preference  
**Date:** 14 February 2023 10:38:15  
**Attachments:** [image001.png](#)

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Harry

The 5.6m space outside Kemp House is to allow for initial LFB Firefighting set up and Operations by crews directly in front of the building including access to the firefighting facilities at the building – obviously if it was a serious fire at Kemp House and we needed additional space for access of fire appliances this would be organised by the LFB Incident Commander.

The 3m and 6m free space at the junctions (including fire barrier at Broadwick end) allows available access by fire engines to make an initial approach into Berwick St. The more infrastructure at the junction – such as stalls right on the junction would hinder such access.

The Broadwick St fire gates are a primary approach for fire appliances and hence the 6m free space is recommended. The Peter St turn is tight but given the stalls are “dry goods” not cooking they could initially be better moved if required to facilitate improved access , hence the 3m free space.

Kind Regards

David Doyle

Fire Safety Inspecting Officer

Fire Safety Regulation

Westminster, Lambeth & Wandsworth Team

[david.doyle@london-fire.gov.uk](mailto:david.doyle@london-fire.gov.uk)

07825996336

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**From:** Whitehouse, Harry: WCC <[hwhitehouse@westminster.gov.uk](mailto:hwhitehouse@westminster.gov.uk)>

**Sent:** 14 February 2023 09:29

**To:** David Doyle <[david.doyle@london-fire.gov.uk](mailto:david.doyle@london-fire.gov.uk)>

**Cc:** Robbie, Sandra: WCC <[srobbie@westminster.gov.uk](mailto:srobbie@westminster.gov.uk)>

**Subject:** RE: Berwick Street Layout - LFB Preference

[EXTERNAL EMAIL] Do not click links or open attachments unless you are expecting them, even if you know the sender

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Dear David,

Hope you are well!

Thank you again for your comments early in the month. A final request from me if I may – we have received a freedom of information request re the recommendations for Berwick Street Market.

Appreciate that your reasoning was already explained online, but please could I request the explanation in writing for the below:

- Maintenance of at least 5.6m fire access at Kemp House



- 3m emergency access for Peter Street
- 6m emergency access at Broadwick Street

Kind Regards,  
Harry

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**From:** David Doyle <[david.doyle@london-fire.gov.uk](mailto:david.doyle@london-fire.gov.uk)>  
**Sent:** 02 February 2023 15:53  
**To:** Whitehouse, Harry: WCC <[hwhitehouse@westminster.gov.uk](mailto:hwhitehouse@westminster.gov.uk)>  
**Cc:** Robbie, Sandra: WCC <[srobbie@westminster.gov.uk](mailto:srobbie@westminster.gov.uk)>  
**Subject:** RE: Berwick Street Layout - LFB Preference

Harry / Sandra

You have kept to the principles we discussed yesterday:

6m at Broadwick Street end  
3m Peter St end – dry goods stall as end pitch  
1m gap between cooking stalls

You are maintaining free access to Kemp House – to either 5.6m or 9.6m depending on which plan layout is used.

On that basis I am content with all proposals (of course in the first instance I would go with the maximum width outside Kemp House – though as we discussed I am content to sign up to either to give you maximum flexibility) and will leave you to take forward for discussion with Local Councillors.

Kind Regards  
David Doyle  
Fire Safety Inspecting Officer  
Fire Safety Regulation  
Westminster, Lambeth & Wandsworth Team  
[david.doyle@london-fire.gov.uk](mailto:david.doyle@london-fire.gov.uk)  
07825996336

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**From:** Whitehouse, Harry: WCC <[hwhitehouse@westminster.gov.uk](mailto:hwhitehouse@westminster.gov.uk)>  
**Sent:** 02 February 2023 13:27  
**To:** David Doyle <[david.doyle@london-fire.gov.uk](mailto:david.doyle@london-fire.gov.uk)>  
**Cc:** Robbie, Sandra: WCC <[srobbie@westminster.gov.uk](mailto:srobbie@westminster.gov.uk)>  
**Subject:** Berwick Street Layout - LFB Preference

[EXTERNAL EMAIL] Do not click links or open attachments unless you are expecting them, even if you know the sender

Dear David,

Thank you for your time yesterday and a pleasure to meet you (albeit online).

I have attached the three proposals, all with the 6m emergency access at the Broadwick Street

end for your comments.

One point of clarity: the emergency access at Kemp House stands at **9.6m** as opposed to 8.6m. This is due to the fruit and veg seller at the Peter Street end having a double pitch.

I look forward to receiving your comments.

**Kind Regards,**  
**Harry Whitehouse**

Market Development Officer

Westminster City Council  
14<sup>th</sup> Floor, City Hall  
64 Victoria Street  
London  
SW1E 6QP

M: 07973 695 895

*Please sign up to our monthly Westminster [Markets Newsletter](#) for all upcoming news, schemes, and opportunities at our markets.*



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## **COVID-19 VACCINATIONS**

The COVID-19 vaccine is our first line of defence against coronavirus. The vaccine has been proven to be safe and effective at protecting people against serious illness from coronavirus. For information about vaccine centres and how to book your appointment, visit: [www.westminster.gov.uk/vaccinations](http://www.westminster.gov.uk/vaccinations)

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## **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.

Funded early education and childcare places are also available for 2 year olds, with up to 15 hours of free education for those eligible.

Find out more at: <https://ddec1-0-en-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fbit.ly%2fwccfis&umid=97a94de7-b4a8-4efc-a457-dff59460bf43&auth=a3b2bea13e72878efb3497dd4084f1dd641209fd->



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

Tel. No: 07866 019 686  
Date: 19 October 2023

Dear Berwick Street Licence Holder,

**Formal Consultation: Berwick Street Market Layout Change, Demarcation and Numeration of Pitches**

We are consulting on 3 proposed options to amend the market layout in Berwick Street Market.

The current market layout does not accurately or safely reflect Berwick Street Market and as such we must amend the layout to ensure that the relevant firebreaks (1m) and emergency access areas at Kemp House and Peter Street end of the market are adhered to.

At present traders' pitch locations are being determined by the location of the nearest electricity bollard and this is being compounded by the lack of pitch markings and correct numbering. All the proposed layouts aim to formalise power usage, limiting traders to one 16AMP socket per stall or one singular bollard (two sockets) for a double pitch, to evenly distribute access to electrical provision amongst the market traders.

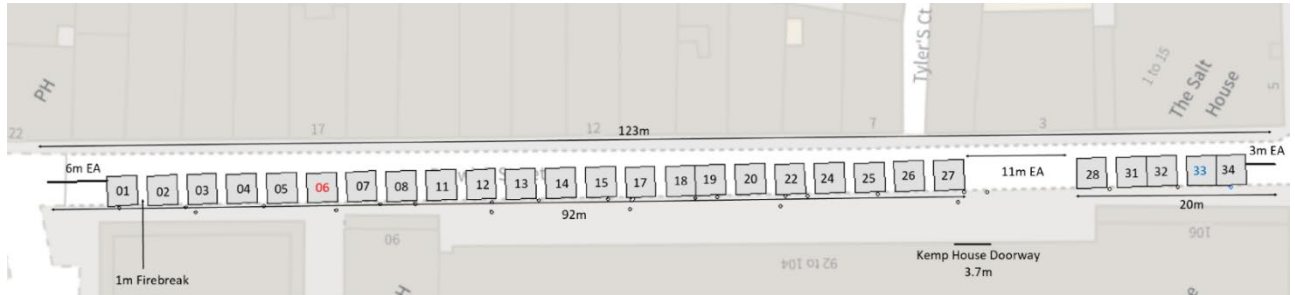
Chiefly, all the layouts prioritise the London Fire Brigade's (LFB) recommendations, with safety and good practise taking precedence. The LFB recommendations are as follows:

- Emergency access of 6m at the Broadwick Street junction (the principal route of entry for fire appliances).
- A 3m emergency access/turning circle at the Peter Street end of Berwick Street.
- Free access to Kemp House must be maintained, a minimum of 5m has been requested.

It is the intention of all the proposed layouts that pitches will remain located as they are currently, insofar as that they will be adjacent to the south-easterly stone cobbles (Kemp House side).



### **Option 1:**



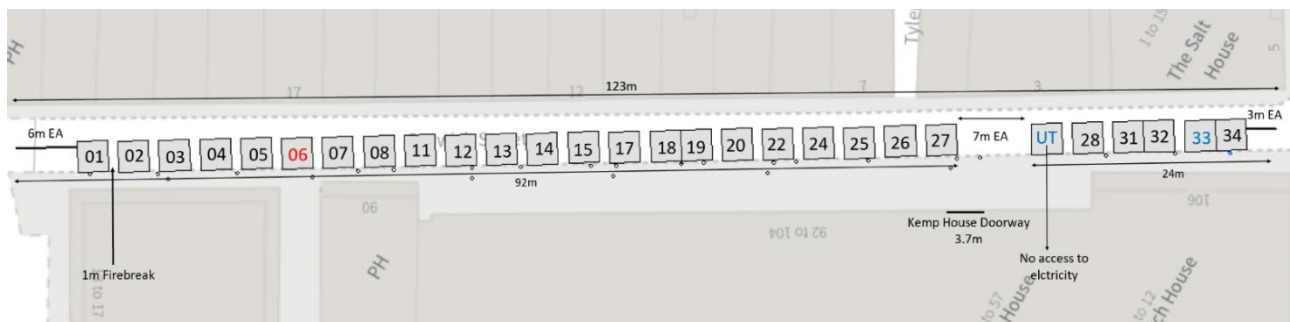
Option 1 achieves the following:

- An increase of 1 pitch to 27 by including a pitch at number 33 on the plan.
- Minimises stall relocation by best reflecting current trader locations – after the implementation of safety restrictions – on street.

Option 1 raises the below concerns:

- Limits pitch number 06 (red) access to power, as it currently limited without the use of extended cables.

### **Option 2:**



Option 2 achieves the following:

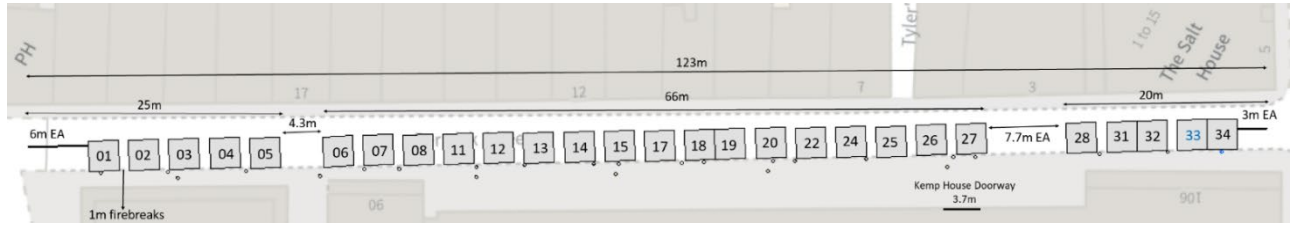
- An increase of 2 pitches to 28 by including pitches marked as UT and 33 on the plan. Pitch marked UT would be advertised with no access to electricity, promoting non-food applications.
- Minimises stall relocation by best reflecting current trader locations – after the implementation of safety restrictions – on street.

Option 2 raises the below concerns:

- Limits pitch number 06 (red) access to power, as it currently limited without the use of extended cables.



### Option 3:



Option 3 achieves the following:

- An increase of 1 pitch to 27 by including a pitch at number 33 on the plan.
- Ensures all pitches have equal access to electricity and reduces trailing wires on-street by implementing a 4.3 m gap before pitch 06.

Option 3 raises the below concerns:

- Has the impact of moving some pitches approximately 4m from current trading position.
- Leaves adequate fire safety access but encroaches on Kemp House doorway. Please note that the emergency area is for the access of firefighting appliances as opposed to an evacuation route.

Whichever option is decided upon, for the pitch numbers to run sequentially, it will require a variation of the pitch numbers for licences after pitch 8 to reflect the chosen layout. **There will be no other changes to licences or commodities required.**

However, the licences that are affected will be requested to be varied at a Licensing Sub-Committee hearing on 14 December 2023 and if you are a licence holder that will require a pitch number to be changed you will have the opportunity to speak at the hearing. If granted, the varied licences would take effect from 1 January 2024.

Therefore, we ask that you review the proposed 3 options and advise us which of the 3 you choose by no later than 16 November 2023 to [streettradinglicensing@westminster.gov.uk](mailto:streettradinglicensing@westminster.gov.uk)

Please note that comments received after this date will not be considered.

Yours sincerely,

Andrew Ralph  
Head of Licensing Consultation & Trading



Owner/Occupier

Berwick Street  
London W1F  
0PX

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

Tel. No: 07866 019 686  
Date: 19 October 2023

Dear Berwick Street Business or Resident,

### **Formal Consultation: Berwick Street Market Layout Change, Demarcation and Numeration of Pitches**

We are consulting on 3 proposed options to amend the market layout in Berwick Street Market.

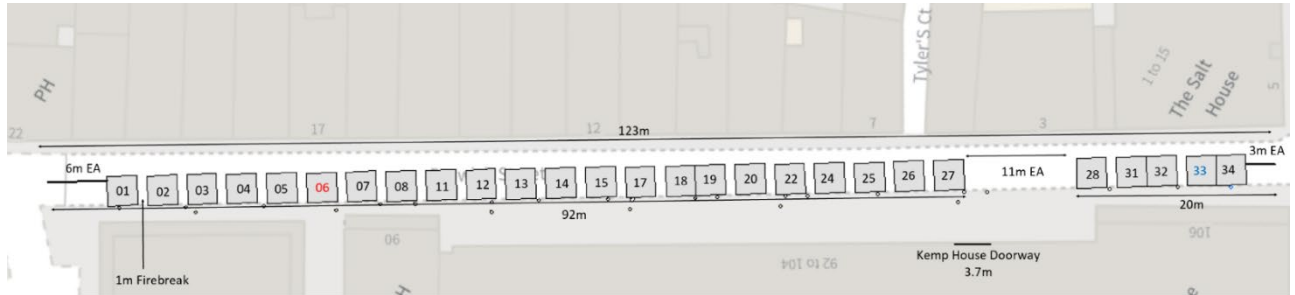
The current market layout does not accurately or safely reflect Berwick Street Market and as such we must amend the layout to ensure that the relevant firebreaks (1m) and emergency access areas at Kemp House and Peter Street end of the market are adhered to.

At present traders' pitch locations are being determined by the location of the nearest electricity bollard and this is being compounded by the lack of pitch markings and correct numbering. All the proposed layouts aim to formalise power usage, limiting traders to one 16AMP socket per stall or one singular bollard (two sockets) for a double pitch, to evenly distribute access to electrical provision amongst the market traders.

Chiefly, all the layouts prioritise the London Fire Brigade's (LFB) recommendations, with safety and good practise taking precedence. The LFB recommendations are as follows:

- Emergency access of 6m at the Broadwick Street junction (the principal route of entry for fire appliances).
- A 3m emergency access/turning circle at the Peter Street end of Berwick Street.
- Free access to Kemp House must be maintained, a minimum of 5m has been requested.

It is the intention of all the proposed layouts that pitches will remain located as they are currently, insofar as that they will be adjacent to the south-easterly stone cobbles (Kemp House side).

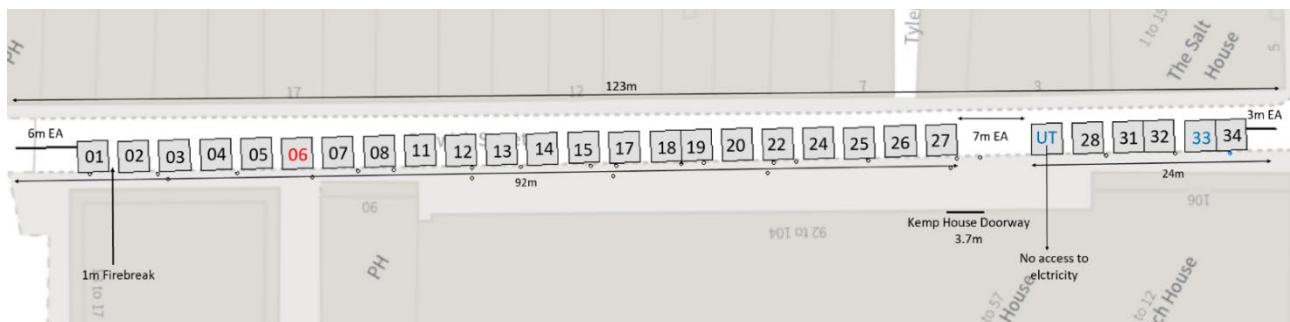
**Option 1:**

Option 1 achieves the following:

- An increase of 1 pitch to 27 by including a pitch at number 33 on the plan.
- Minimises stall relocation by best reflecting current trader locations – after the implementation of safety restrictions – on street.

Option 1 raises the below concerns:

- Limits pitch number 06 (red) access to power, as it currently limited without the use of extended cables.

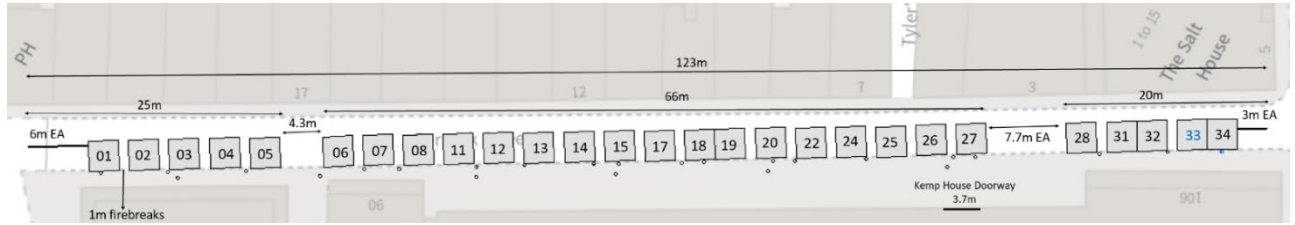
**Option 2:**

Option 2 achieves the following:

- An increase of 2 pitches to 28 by including pitches marked as UT and 33 on the plan. Pitch marked UT would be advertised with no access to electricity, promoting non-food applications.
- Minimises stall relocation by best reflecting current trader locations – after the implementation of safety restrictions – on street.

Option 2 raises the below concerns:

- Limits pitch number 06 (red) access to power, as it currently limited without the use of extended cables.

**Option 3:**

Option 3 achieves the following:

- An increase of 1 pitch to 27 by including a pitch at number 33 on the plan.
- Ensures all pitches have equal access to electricity and reduces trailing wires on-street by implementing a 4.3 m gap before pitch 06.

Option 3 raises the below concerns:

- Has the impact of moving some pitches approximately 4m from current trading position.
- Leaves adequate fire safety access but encroaches on Kemp House doorway. Please note that the emergency area is for the access of firefighting appliances as opposed to an evacuation route.

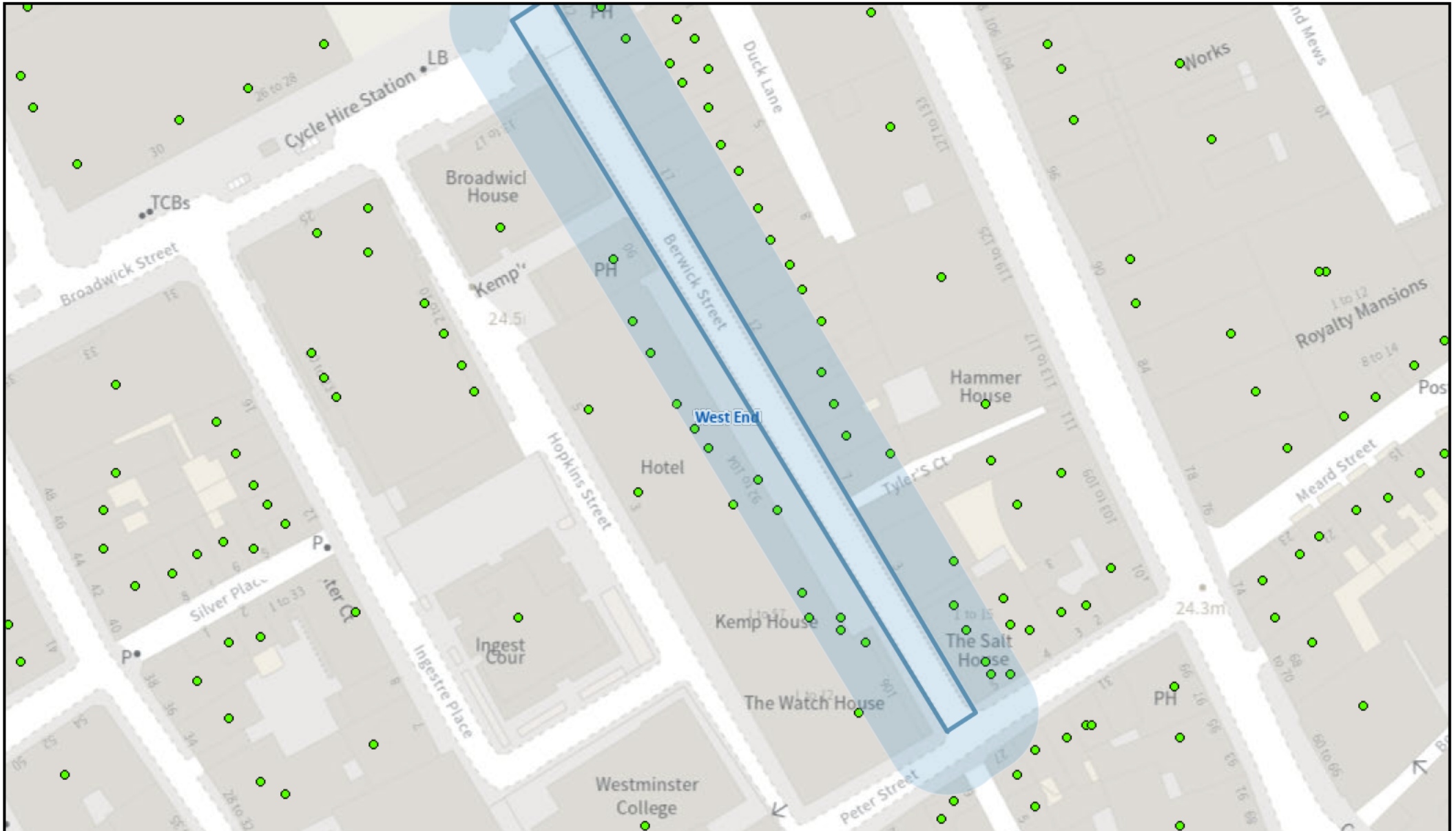
The approval of the preferred option for the market layout is scheduled to be heard at the Licensing Sub-Committee hearing on 14 December 2023.

Therefore, we ask that you review and select one of the the proposed 3 options by no later than 16 November 2023 to [streettradinglicensing@westminster.gov.uk](mailto:streettradinglicensing@westminster.gov.uk)  
Please note that comments received after this date will not be considered.

Yours sincerely,

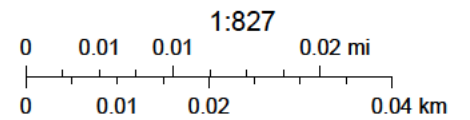
Andrew Ralph  
Head of Licensing Consultation & Trading



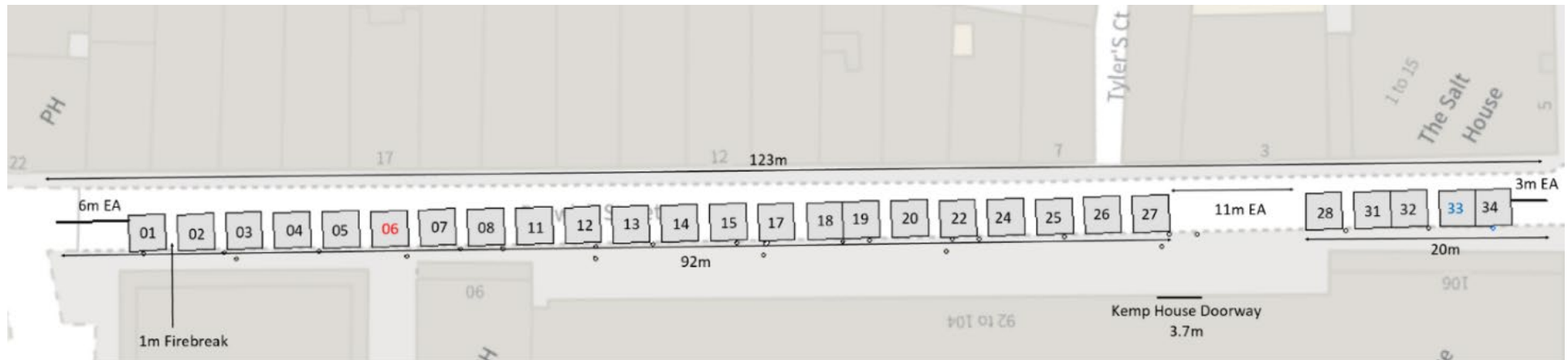


16/10/2023, 15:17:47

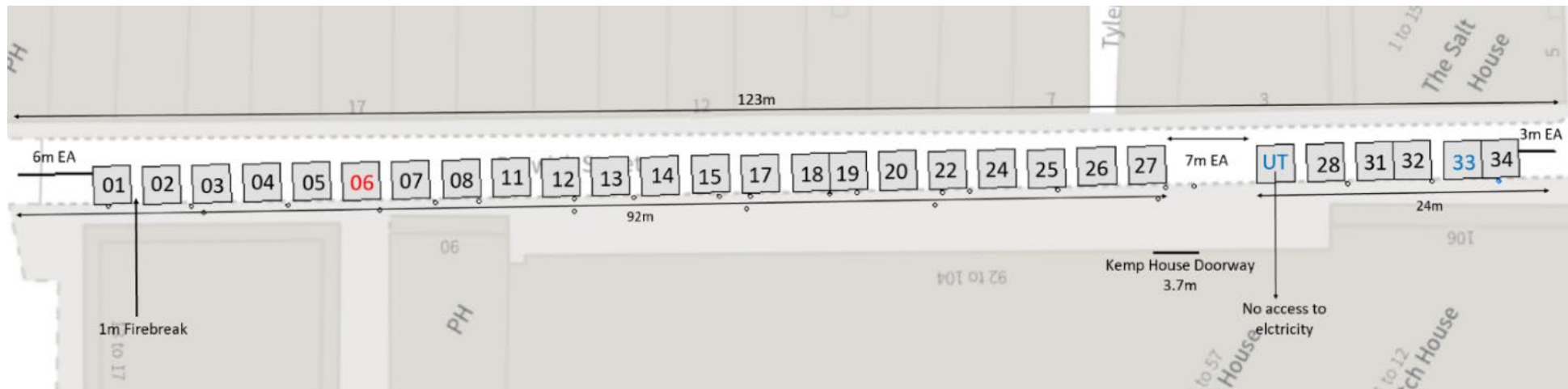
- Property Mailing List
- ▭ Ward Boundaries
- Ward Labels



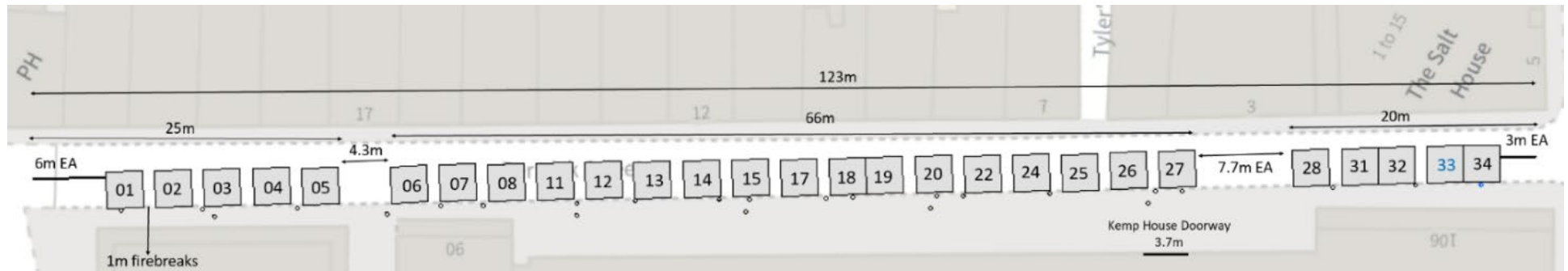
OPTION 1



OPTION 2



# OPTION 3



**Market Traders**1) [REDACTED] – Pitch 1107

On 15 November 2023, [REDACTED] emailed Farhana Ali, Senior Licensing Officer, advising that “Our pitch is 1107 so I think none of the options affect us so the changes should be fine from our point of view”.

2) [REDACTED] – Pitch 1108

On 11 November 2023, [REDACTED] emailed the Street Licensing mailbox, advising that “Following on below email regarding the Berwick street market consultation letter.

Firstly , thank you Harry for explaining all in details which was very helpful. We highly appreciate your time on this !

After consideration all given options , we are inclined to options 1 or 2.  
But if you have reached a consensus on option 3 , we have no objection on this.

Also , we would like to ask how do we become a permanent market traders ?

Delighted to say , that our market stall has become very popular and we have build a great relationship with local customers as well as with tourists. We are proud of the quality of food that we are offering and so keen to become a permanent trader at Berwick street market. We would appreciate your support on this request and please kindly advise on the procedure to follow.

The Licensing Service is committed to opening applications for street trading (permanent) licences on completion of this consultation and a decision from the Licensing Sub-Committee. This decision to wait has been taken to avoid unnecessary variations having to be made at a later date.

3) [REDACTED] – Pitch 1117

On 26 October 2023, [REDACTED] emailed the Street Licensing Mailbox advising that “Just in response to the new potential layout system for Berwick St market, I would like to choose option 1 as personally I’m happy with the current layout”.

*\*\* [REDACTED] has also signed the letter of objection to the proposals submitted by Robin Smith, the specifics of the objection are included below\*\*.*

**Contradictory responses received from this licence holder.**

4) [REDACTED] – Pitch 1128

On 19 October 2023, [REDACTED] emailed the Street Licensing mailbox advising that “I hope this message finds you well. I am writing in reference to your letter dated 19/10/2023 regarding the proposed changes to the Berwick Street Market layout.

After careful consideration of the three provided options, I would like to express my preference for Option No. 1.

I wish to highlight a specific concern that has the potential to affect my business negatively.

The proposed one-meter firebreak between my pitch and [REDACTED] at Pitch No. 1131-1132, particularly given their long customer queue during lunchtime service hours, poses a significant challenge to my operations.

I kindly request that you take this matter into consideration and consider providing additional space between the two pitches as we proceed with the proposed changes.

Your understanding and support in this regard would be greatly appreciated”.

*\*\* [REDACTED] has also signed the letter of objection to the proposals submitted by [REDACTED], the specifics of the objection are included below\*\*.*

**Contradictory responses received from this licence holder.**

5) [REDACTED] – Pitch 1131 & 1332

On 23 October 2023, [REDACTED] emailed Farhana Ali, Senior Licensing Officer, advising that “Hi Farhana, Hope you doing well.

I would go for option 3”

6) [REDACTED] – Pitch 1134

On 26 October 2023, [REDACTED] emailed the Street Licensing mailbox advising that “We are happy with all the layouts proposed, as we will remain at the end of the market where we are currently with the 3m gap.

What we would like to request is that when pitch 1133 is open and available for applications, that we can apply for a double pitch.

We feel that as a non food vendor on the street with a historic barrow that we will add to the street aesthetic.

Please could you notify us when this becomes available and we will make the application”.

**All of the proposed layouts make provision for an additional pitch (currently numbered 33 on the plan) and once the consultation and sub-committee are concluded it will be opened for applications.**

7) [REDACTED] – Pitch 1122

On 15 November 2023, [REDACTED] emailed the Street Licensing mailbox with an objection to the proposals. This objection was updated on 16 November 2023 and it is the updated version that is included in the report to avoid unnecessary repetition.

Having been granted licence by James II as “New Hay Market” in 1687, Berwick Street Market evolved over the centuries, from a square on Kemp Field, into 60 plus pitches, in 2 rows, on Berwick Street and became known as, “The Berwick”. Despite being an historic Market, it is now just one row of 35 pitches and in danger of losing any opportunity to revive its status, energy and allure. The proposals to reduce it further are unacceptable; there is demand for pitches, and the hustle and bustle, vibrancy and banter, that makes Berwick Street Market the heart of Soho, could be lost.

The proposals to lose 7 or 8 pitches is headed in the wrong direction, particularly when considering there were 21 licence applications in 2015, 24 licence applications in 2016, 25 licence applications in 2017, 41 licence applications in 2018, 46 licence applications in 2019, 24 licence applications in 2020 (pandemic), 18 licence applications in 2021 (pandemic) and 43 licence applications in 2022 - clearly demonstrating demand for licenced trading on Berwick Street (*see number of applications attached*). Not only do we need all of the existing 35 pitches, we actually need more pitches to meet demand and Westminster has a fiduciary duty to make the pitches available and really should not have withheld them over the last few years as it has.

All of the proposals stifle growth, prohibit change and negatively impact the local community that has clearly expressed wishes for a diversified market – this is simply not possible if the number of pitches is reduced. Under the proposals, what the market is, is what the market will be - with no chance for anything different, despite the demand and the potential being self-evident.

Reducing stalls from 35 to 27 consigns innovation and diversification to history, instead of facilitating an historic market back into being as an engine of start-up business, commercial endeavour, innovation and creativity. The proposals, particularly, impact residents negatively as they will not see the change they are hoping for. They also, negatively, impact local businesses as it deprives them of the footfall and spend that a thriving market delivers; a market generates the same revenue for local businesses as it generates for itself – the point made in GLA Research papers. So, all of your proposals are bad for residents, bad for local businesses and bad for Berwick Street Market.

Reducing pitches reduces new business opportunity and terminates evolution. The proposals are ill-conceived, just as the 2016 privatisation was ill-conceived, the 2019 Peter Street “cold store” was ill-conceived, 2023 blue-cables intervention was ill conceived and the free market Wifi was ill-conceived... we could go on but have already established the pattern and the point.

The privatisation took two years, 37,000 signatures, sound advice, crowd-funded legal support, a huge media campaign and Joanna Lumley, to defeat - that campaign opened-up Westminster and developers to scrutiny, and caused ructions and resignations after the Berwick Street butterfly flapped its wings. The Peter Street “cold store” cost the Mayor 50k and all of the work done was ripped out and put into skips, after traders called in WCC environmental officers who condemned the installation of domestic fridges in wooden cabinets, despite traders pointing out the rat and fire issues during consultation and before commencement of works. The public Wifi has not worked for five years (or at all since its installation) and has recently proved too unreliable to be of any service. The blue cables, that were demanded by the markets team, are now just an ongoing embarrassment as they continue to fuse into sockets and knock out power posts. A catalogue of failures.

Further, the proposals (Consultation attached) to lose 8 pitches, move traders from and renumber their permanently licenced pitches, and limit electricity to just one wholly inadequate 16amp socket per pitch, is going in entirely the wrong direction. None of the proposals will work for traders, the market, nor the wider community, unless, Berwick Street Market is to lose its place at the heart of Soho culture, creativity and community.

For example, Soho Dairy operates from its permanent licenced pitch 1122 (its recorded address with suppliers, banks and governmental institutions) and runs equipment, approved by Westminster, that simply will not run off one 16amp socket. If any of these proposals were to go ahead, Soho Dairy would not be able to operate a coffee machine

(30amp re-configured to run on 16amp, with all peripherals running off a second socket; safety lights and festive lights, point of sale machines, chargers, fridge and ice machine) so half of its revenues would be lost and the business put in serious trouble, in an already economically emaciated West End. Residents would be impacted as Soho Dairy became a hub for the community during lockdowns and throughout the pandemic.

This is just one example, other traders have similar and different issues that need to be understood and addressed before any changes are considered, let alone made. None of the proposals work; it would have been far better for WCC to provide BSTS with the funds necessary for proposals – rather than bury old layout proposals under a new consultation, in the interests of third parties.

Please remember that the existing power posts were put in place during the development of Kemp House and paid for with a £100,000 donation, from Berwick Street Securities, under the old regime that did not actually want to see a market here at all. Certainly, the donation was made before the developer was awarded the contract and the market did not feature in most of the developers plans and proposals thereafter. There were never enough power posts put in place to replace the 30amp feeds from local shops and certainly not enough for a modern market to meet environmental and hygiene criteria (hot water washing). Westminster has actually removed power posts, since.

There's no need to make a pig's ear out of what was a silk purse. Continually repeated failures, ill-conceived proposals and stitch-ups do more harm than good. What's required is regeneration and renewal of the market as a thriving economic and social place – and specifically a considerably upgraded power infrastructure, with more posts and more power, allowing all traders to trade safely and hygienically, and to continue to adapt and innovate to the changing economic environment.

The simple fact is that your proposals are the direct opposite of anything that needs to happen now. The market has to grow, meet demand, improve and diversify its services so it can be the engine of the local economy as it was before it was scheduled for demolition in favour of developers under the old regime. We need proper plans for a new layout with more stalls, twice as much power and twice as many posts – simply put, **more power for Berwick Street Market**. Power is the biggest single issue and any layout should be built around a new infrastructure - consideration should also be given to permanent kiosks which may become necessary, factoring in climate change and draughts.

With regard to the Fire Officer's report that is being relied on, there isn't one, you do not have a fire officers report (*foi attached*), all you have is hearsay driving a potentially damaging plan, put together by someone shuffling squares on a computer - it's so wrong.

What we, currently, have is a 3.5 metre fire lane running the entire length of the market that Berwick Street Traders Society steadfastly protected throughout years of development and demolition – the fire-lane is the reason all traders are currently set on the West side kerb, to keep access the length of the street on its East side. We, also, have a double firewall between each pitch as it is mandatory that traders use fire retardant gazebos. There is no fire regulation requiring space between each stall holder, this requirement is not a feature of festivals and it was never a feature of the privatisation process or consultations; in fact, all private operators planned to use all 35 pitches to the maximum, in order for the market to be viable and Westminster encouraged this. We know this because we met the private operators and collaborated

in tenders. Through-out the tender process Westminster Officers actually argued that the fire lane was unnecessary and proposed a return to 2 rows of stalls, in the wider centre space of the market (layout attached), with a fire bay each end described as adequate. All of this was recorded and evidenced in the tender process.

So, which is it to be, a full-length market of end-to-end pitches with a fire-lane? Or 2 rows of stalls with a fire-bay each end and no fire-lane? These are the things that need to be discussed before a serious proposal can be made. Reducing pitches is not the answer; it is self-defeating and both revenues and opportunities will be lost. The proposals are not just damaging they are extraordinarily dull and unimaginative. This is Soho, the global heart of creativity - we can and must do better.

BSTS has invested 8 years protecting and promoting Berwick Street Market for no return other than witnessing a slow, progressive improvement that has come about, despite Westminster ill-informed and often political interventions. More importantly, BSTS has been right in all of its judgements and protestations, again all recorded and evidenced, yet there is still no appetite for Westminster to enter real dialogue, let alone a partnership, which has been proposed time and time again.

There are, also, real concerns that fewer traders means higher pitch fees as, by law, the market has to be run at cost by Westminster and the cost will not be reduced by any of these proposals. So, 27 traders will meet the costs of 35 and that is not acceptable when the ability to trade is being substantially impaired and the genuine thrill of a vibrant market is being deliberately withheld.

We're now feeling harassed and bullied rather than consulted, particularly after the events of last Friday, which were nothing less than intimidation. These proposals must be dropped and serious consideration given to the future of the market, traders, community and to the law that governs our street market.

On that note, all Traders trading on their pitch for more than 6 months ought to be on Permanent licences, and withholding Permanent licences, in order to vary their licences, is not on. So, maybe the first thing to do is get your own house in order and issue the Permanent licences, when they are requested, rather than delay for your own purposes, which is not right.

The sensible way forward is an agreed growth strategy for Berwick Street Market, with improved infrastructure, bringing greater diversity and more money into the local economy, which is what a vibrant market does. Any new "layout" must facilitate growth, the current proposals don't do that.

You do not have my consent for any variation of my licence and I have no choice but to reject all of the proposals presented.  
Nor do you have the consent of any of the licenced traders attached.

**\*\* [REDACTED] provides supporting documentation to his representation and these are attached as appendix E.1\*\***

The City of Westminster Act states at Section 16 that "In addition to changes to any of the standard conditions which the council may make under section 10 (Standard conditions) of this Act the council may vary a street trading licence on 1st January in any year during the currency of the licence". Therefore it is prudent to note that although we have sought preference from the licence holders and businesses in relation to the specific layout options, the Licensing Service is not seeking consent from the Licence Holder to vary the licence. This is a decision for the Licensing Sub-



Committee based on whether the request for the layout of the market should be approved and if so, permission granted for the affected licences to be varied accordingly.

Although [REDACTED] refers to pitch numbers being registered with banks and other legal authorities, we do not believe that this would be difficult to update and do not consider it to be disadvantageous to the future of his or other trader's businesses.

As mentioned previously, the Licensing Service is committed to opening applications for street trading (permanent) licences on completion of this consultation and a decision from the Licensing Sub-Committee. This decision to wait has been taken to avoid unnecessary variations having to be made at a later date.

A full response to the remaining points raised in [REDACTED] response has been sent by Mr Whitehouse from the Market Development Team, this can be viewed at **Appendix F**.

8) [REDACTED] – Pitch 1101 & 1102

[REDACTED] has signed the letter of objection submitted by [REDACTED] above.

9) Mr [REDACTED] – Pitch 1104

[REDACTED] has signed the letter of objection submitted by [REDACTED] above.

10) [REDACTED] – Pitch 1106

[REDACTED] has signed the letter of objection submitted by [REDACTED] above.

11) [REDACTED] – Pitch 1111

[REDACTED] has signed the letter of objection submitted by [REDACTED] above.

12) [REDACTED] – Pitch 1113

[REDACTED] has signed the letter of objection submitted by [REDACTED] above.

13) [REDACTED] – Pitch 1115

[REDACTED] has signed the letter of objection submitted by [REDACTED] above.

14) [REDACTED] – Pitch 1117

[REDACTED] has signed the letter of objection submitted by [REDACTED] above.

15) [REDACTED] – Pitch 1118 & 1119

[REDACTED] has signed the letter of objection submitted by [REDACTED] above.

16) [REDACTED] – Pitch 1120

[REDACTED] has signed the letter of objection submitted by [REDACTED] above.

17) [REDACTED] – Pitch 1127

██████████ has signed the letter of objection submitted by ██████████ above.

18) ██████████ – Pitch 1128

██████████ has signed the letter of objection submitted by ██████████ above.

**NB.** 3 further letters were received; however, these were not signed by the licence holder and as such the Licensing Service cannot consider these letters.

### **Residents & Businesses**

19) ██████████ – Unknown address

On 12 November 2023, ██████████ emailed the Street Licensing mailbox advising that “I am responding to the letter we received with regard to the above, I would like to point out the whole street food needs to be made less far to many stalls blocking pedestrians way and leaving the street dirty and dangerous.

As a pedestrian you cannot walk or pass from one side of the street to the other all of which I am sure goes against safety regulations, the actual hygiene also needs to be brought into question. So I would like to see a reduction in stalls and some transferred to Rupert street.

The smell, smoke and mess all lead to a very unpleasant experience for the public, Andrew Relph must start taking public health seriously and start also thinking of the rate paying restaurants, bars and shops on this street.

So my take is none of what is issued is any good reduce the stalls start making stalls pay for the upkeep of the street and provide cleaning and toilet facilities all bring again into question the health and safety and hygiene.

The consultation was specifically related to the change of approved layout to to support the electrical upgrade and to encompass the safety requirements of the London Fire Brigade.

The Licensing Service do not intended amend any licences or request change of any commodities from the current licences holders.

20) ██████████ – Resident, Kemp House

On 16 November 2023, ██████████ emailed the Street Licensing mailbox advising that “Following your letter regarding the Berwick Street Market Layout Changes consultation, I am here submitting my preferred option:

OPTION 1

21) ██████████ – Resident, Kemp House

I object to the terms of the consultation and request that any decision is deferred until appropriate information has been provided and discussed with relevant parties.

The objection is made in a personal capacity, but on the basis of experience with Berwick Street Market issues over a number of years as Vice-Chair of Kemp House Residents Association and membership of the Soho Society Planning Group (which I currently chair).

1. The premise of the options that are proposed is that the London Fire Brigade has made various recommendations. Residents have been assured more than once in the past that the LFB do not have any concerns about the market layout. It is important to know why this has changed, what the basis of the recommendations is and also what their status is before the options are considered. This is not included in the information provided with the consultation.

2. Over the years Westminster Council has demonstrated a failure to approach changes to the market in a coherent and holistic way. There is a history of decision making at City Hall without proper local discussion and input. This played a significant part in the decline of the fruit and vegetable market, leading to a period in which there was a struggle to sustain any sort of market. When traders were attracted to return the nature of the market changed without much consideration given to residential amenity or existing businesses alongside the market. There are a number of current issues relating to the market, including fire safety and stall layout, that the Council should be considering together before deciding how to go forward. The options presented cannot be properly considered without this work being done.

3. While delay should be minimised, the need to consider any LFB recommendations should therefore give rise to a concerted effort by the council to look at the market as whole, drawing on the wisdom of those with an interest in and knowledge of the market. This would enable the response to the recommendations to take account of any wider relevant factors that would help to inform good decision making.

Thank you for considering this submission.

22) [REDACTED] – Unknown business

On 25 October 2023, [REDACTED] emailed Catherine Brice, Programme Director for Economy and Skills, Manager of the Market Development Team, advising that “I just wanted to email about the street market on Berwick Street.

Myself and many other people working on the road, feel it has a rather untidy appearance, which unfortunately has a negative impact on the area. Its shabby and disorganized gazebos make it difficult for the businesses on that street to stand out and attract attention. To address this issue, I would like to suggest the implementation of a well-structured street market. Imagine wooden huts similar to the ones seen at winter markets, placed facing alternate ways to encourage people to walk down both sides of the street. This change would greatly benefit the businesses currently located behind the gazebos, as they face significant challenges due to the current placement.

Additionally, it would enhance the overall look of the area, creating a more elegant and tidy atmosphere that would support local businesses. To make the street market even more appealing, we could include benches where people can sit and enjoy their food, as well as some lovely plants to add a touch of greenery. By transforming it into a more official and organized space, we can eliminate the perception that it's a thrown together collection of sellers. It will make the area more inviting and attractive, encouraging more people to visit. Many people have raised concerns about the current state of the street market, but with the right improvements, it has the potential to become an excellent addition to the area.

Thank you for taking the time to read my email”.

The consultation was specifically related to the change of approved layout to support the electrical upgrade and to encompass the safety requirements of the London Fire Brigade.

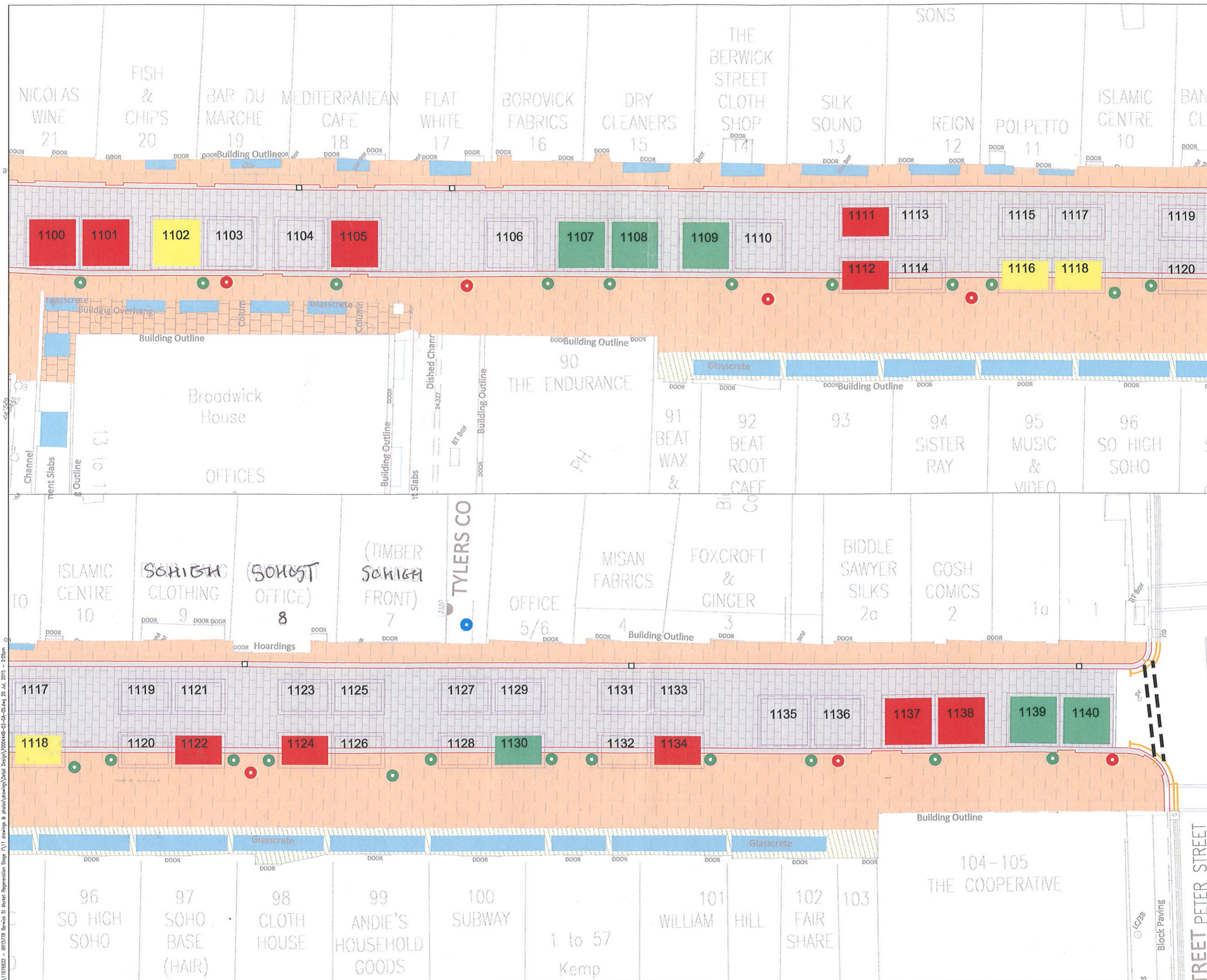
The Licensing Service do not intend to amend any licences or request a change of receptacle.

23) [REDACTED] [REDACTED] Berwick Street

On 24 October 2023, [REDACTED] emailed the Street Licensing mailbox advising that "Hello  
Our preferred option is number one".

24) [REDACTED] [REDACTED] Berwick Street

On 16 November 2023 [REDACTED] emailed the Street Licensing mailbox advising that "Of these options I would choose Option 3"



**KEY**

- NON FOOD
- FRESH PRODUCE
- TAKE AWAY FOOD

17 No. 3m x 3m PITCHES  
 24 No. 2m x 3m PITCHES  
 41 No. TOTAL PITCHES

REV	DATE	BY	DESCRIPTION	CHK	APP
B	20.07.15	KL	PITCH INFORMATION UPDATED		
A	23.02.15	XN	INITIAL ISSUE	AK	CB

DRAWING STATUS: **DETAILED DESIGN**

**CONWAY WSP**  
 25 Mansel Way, London, SE1 5SZ  
 www.conway.co.uk www.wspgroup.com

**City of Westminster**  
 SAFE STREETS  
 City Commissioner of Transportation

PROJECT		BERWICK STREET MARKET	
TITLE		GENERAL ARRANGEMENT MARKET LAYOUT	
SCALE @ A1	DATE	DESIGNER	CHECKED / APPROVED
NOT TO SCALE	23/02/2015	XN	CDS / CB
JOB No.	70004448	REF/JOB No.	BR 15778
DRAWING No.	70004448-03-GA-05	REV.	B

11/15/2015 - BR15778 Berwick St Market Regeneration Stage 1/11 Drawings & Photos (www.conway.co.uk) 70004448-03-GA-05.dwg 20 Jul 2015 - 2:05pm  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (W00)LA 1000687



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

Tel. No: 07866 019 686  
Date: 19 October 2023

Dear Berwick Street Licence Holder,

**Formal Consultation: Berwick Street Market Layout Change, Demarcation and Numeration of Pitches**

We are consulting on 3 proposed options to amend the market layout in Berwick Street Market.

The current market layout does not accurately or safely reflect Berwick Street Market and as such we must amend the layout to ensure that the relevant firebreaks (1m) and emergency access areas at Kemp House and Peter Street end of the market are adhered to.

At present traders' pitch locations are being determined by the location of the nearest electricity bollard and this is being compounded by the lack of pitch markings and correct numbering. All the proposed layouts aim to formalise power usage, limiting traders to one 16AMP socket per stall or one singular bollard (two sockets) for a double pitch, to evenly distribute access to electrical provision amongst the market traders.

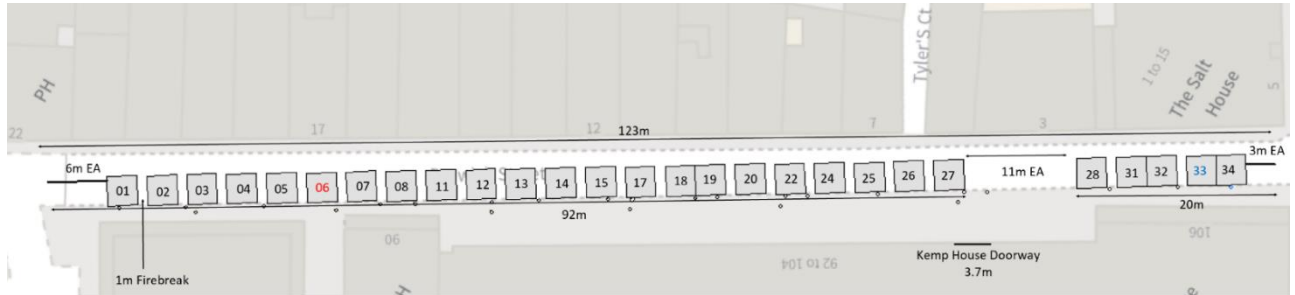
Chiefly, all the layouts prioritise the London Fire Brigade's (LFB) recommendations, with safety and good practise taking precedence. The LFB recommendations are as follows:

- Emergency access of 6m at the Broadwick Street junction (the principal route of entry for fire appliances).
- A 3m emergency access/turning circle at the Peter Street end of Berwick Street.
- Free access to Kemp House must be maintained, a minimum of 5m has been requested.

It is the intention of all the proposed layouts that pitches will remain located as they are currently, insofar as that they will be adjacent to the south-easterly stone cobbles (Kemp House side).



### **Option 1:**



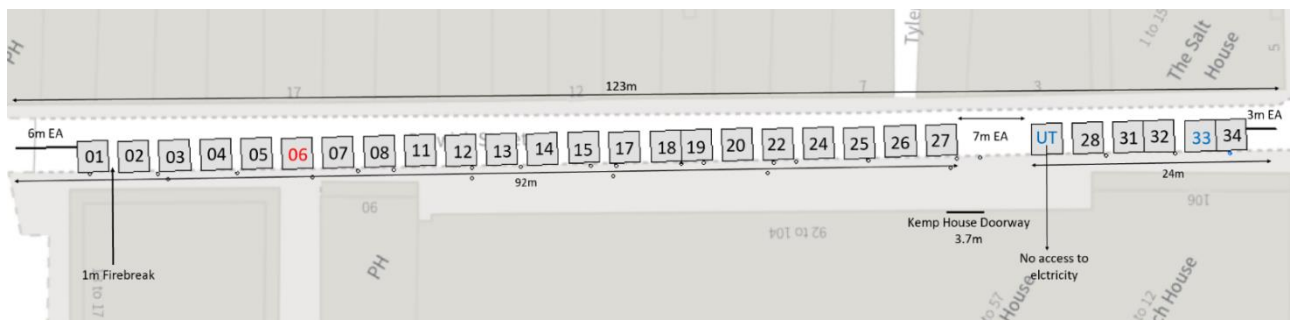
Option 1 achieves the following:

- An increase of 1 pitch to 27 by including a pitch at number 33 on the plan.
- Minimises stall relocation by best reflecting current trader locations – after the implementation of safety restrictions – on street.

Option 1 raises the below concerns:

- Limits pitch number 06 (red) access to power, as it currently limited without the use of extended cables.

### **Option 2:**



Option 2 achieves the following:

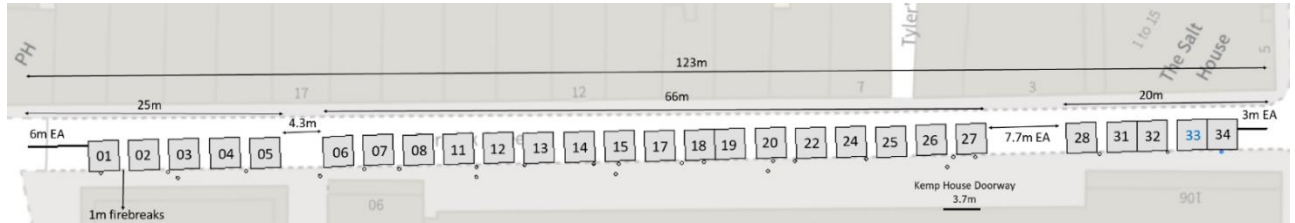
- An increase of 2 pitches to 28 by including pitches marked as UT and 33 on the plan. Pitch marked UT would be advertised with no access to electricity, promoting non-food applications.
- Minimises stall relocation by best reflecting current trader locations – after the implementation of safety restrictions – on street.

Option 2 raises the below concerns:

- Limits pitch number 06 (red) access to power, as it currently limited without the use of extended cables.



### Option 3:



Option 3 achieves the following:

- An increase of 1 pitch to 27 by including a pitch at number 33 on the plan.
- Ensures all pitches have equal access to electricity and reduces trailing wires on-street by implementing a 4.3 m gap before pitch 06.

Option 3 raises the below concerns:

- Has the impact of moving some pitches approximately 4m from current trading position.
- Leaves adequate fire safety access but encroaches on Kemp House doorway. Please note that the emergency area is for the access of firefighting appliances as opposed to an evacuation route.

Whichever option is decided upon, for the pitch numbers to run sequentially, it will require a variation of the pitch numbers for licences after pitch 8 to reflect the chosen layout. **There will be no other changes to licences or commodities required.**

However, the licences that are affected will be requested to be varied at a Licensing Sub-Committee hearing on 14 December 2023 and if you are a licence holder that will require a pitch number to be changed you will have the opportunity to speak at the hearing. If granted, the varied licences would take effect from 1 January 2024.

Therefore, we ask that you review the proposed 3 options and advise us which of the 3 you choose by no later than 16 November 2023 to [streettradinglicensing@westminster.gov.uk](mailto:streettradinglicensing@westminster.gov.uk)

Please note that comments received after this date will not be considered.

Yours sincerely,

Andrew Ralph  
Head of Licensing Consultation & Trading





# City of Westminster

Mr [REDACTED]

Licensing & Regulatory Services  
Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP  
Email FOI@westminster.gov.uk

---

Our ref: [REDACTED]

Your ref:

Date: 15 February 2023

Dear [REDACTED]

## Freedom of Information Act 2000

Thank you for your recent Freedom of Information request. You asked to be provided with the following information:

*I would like to make a Freedom of Information Request regarding how many pitch/licence applications have been made over the course of time (2015 to 2023) for Berwick Street Market. I am saying pitch/licence because some people may apply for a pitch not knowing they are applying for a licence. I am not so interested in the number of applications granted but in the total number of applications made by any kind of applicant be they existing traders, transfers from another market or newcomers. It is the total number of applications made by whatever means (licencing portal, email, phone-call or direct approach) that is of interest.*

- Name: [REDACTED]
- Address: [REDACTED]
- Detail: *Please send me the total number of applications made for a pitch/licence on Berwick Street Market during each of the calendar years 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 in an excel spread sheet if possible. The last 5 years are the most critical.*
- *If calendar years are not available, then financial years will do as I want to understand how Coronavirus restrictions impacted Berwick Street Market and how quickly it recovered in terms of interest*

*FYI I am a member of the Soho Society and sit on the Soho Steering Group which is the management component of the Neighbourhood Forum - the facts are important for an article I am writing on the way Berwick Street Market is adapting to a changing environment. I do not mind what format the numbers are sent but a simple spreadsheet is preferable.*

## Response

This request is being handled under the Freedom of Information Act 2000.

I am writing to inform you that we have searched our records and some of the information you requested is not held by Westminster City Council. We do not

accept applications by email and so this data is not held. Furthermore, telephone conversations and direct verbal conversation are not recorded and as such we do not hold this data.

I have enclosed copies of the information that is held.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Information Management Team  
64 Victoria Street  
London  
SW1E 6QP  
foi@westminster.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information is also available from the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113 or 01625 54 57 45  
Fax: 01625 524510  
Web: [www.ico.org.uk](http://www.ico.org.uk)

I will now close your request as of this date.

Yours sincerely

Freedom of Information Team

Calendar Year	Number of applications received
2015	21
2016	24
2017	25
2018	41
2019	46
2020	24
2021	18
2022	43



# City of Westminster

Licensing & Regulatory Services  
Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP  
Email [FOI@westminster.gov.uk](mailto:FOI@westminster.gov.uk)

[REDACTED]

---

Our ref: [REDACTED]

Your ref:

Date: 6 March 2023

Dear [REDACTED]

Thank you for your recent request to the Council. You asked to be provided with the following information:

Please send me the latest Fire officer Report and Recommendations for Berwick Street market.

## Response

Your request for information has now been considered.

The Council does not hold the requested information. For the purposes of section 1 (4) of the Freedom of Information Act 2000 this information is not held and we are therefore unable to provide it.

I apologise that your request cannot be met but if you have any further information needs in the future then please do not hesitate to contact the Council. You will find the Council's Web site a great source of information about our operations and services. [www.westminster.gov.uk/](http://www.westminster.gov.uk/)

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Information Management Team  
64 Victoria Street  
London  
SW1E 6QP  
[foi@westminster.gov.uk](mailto:foi@westminster.gov.uk)

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information is also available from the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House

Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

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Fax: 01625 524510

Web: [www.ico.org.uk](http://www.ico.org.uk)

I will now close your request as of this date.

Yours sincerely

Freedom of Information Team

**Pring, Shannon: WCC**

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**From:** Team, Markets: WCC  
**Sent:** 27 November 2023 16:46  
**To:** [REDACTED]  
**Subject:** RE: Updated Response: Berwick Street Market Layout Change Consultation 2023 - Deadline For Response 16 November 2023

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear [REDACTED]

Thank you for your response the Berwick Street Market Layout Proposals Formal Consultation.

The most recent layout approved by Licensing Sub Committee marks a total of 34 pitches, 1101 – 1134, that can exist within the market footprint. Of these 34, 8 have been marked as unavailable for trade since the redevelopment on the grounds that they do not physically fit down the street given the commodities licensed and the resultant safety recommendations. Consequently, applications are unable to be made for such pitches.

All layouts implement the LFB's recommendations which have guided each option, and who were engaged through the process:

- Emergency access of 6m at the Broadwick Street junction (the principal route of entry for fire appliances) to allow an initial approach.
- A 3m emergency access/turning circle agreed at the Peter Street end of the market. This area is smaller due to the tighter turn of the secondary access route, alongside the existence of the fresh produce/dry goods stalls that can be manoeuvred quicker to facilitate access.
- Free access to Kemp House has been maintained. On the basis that most residential fires occur at night, a minimum of 5m has been requested. This is to allow for initial firefighting set up and operations by crews, including access to firefighting facilities in front of the building. More serious fires would require an additional area organised by the Incident Commander.
- 1m firebreaks between stalls, excluding double pitches operated by the same licensee, suggested for fire safety. Such breaks are mandatory at all markets with a preponderance of hot-food commodities.

The LFB approve of any layout which encompasses these asks.

Although sharing the growth mindset, we have had to view this pragmatically in terms of what we can achieve. We are restricted by the above health and safety recommendations which need to be adhered to, alongside the dimensions of the street itself. Aside from this, upon reviewing the layout option attached in the response, traders would have to downsize their stalls from 3x3m to 2x3m receptacles which may also impact their operations and prevent growth. Similarly, the idea of permanent kiosks is likely to prove unfeasible as Berwick Street becomes an active road and would likely impede deliveries. Even if independent serveries could be sourced, the issue of where they would be located remains.

Diversification and growth are issues that the Council is keenly aware of, and one that it recognises is pronounced by the comparable vacancy levels on a weekend and weekday markets. A market's role in serving the community and offer on the high street is dictated by demand and demographic – which is predominantly street food for an office population, coupled with revered fresh produce options, which the composition of commodities reflect. As such, our proposals are governed by what is on street, which must be considered as it is paramount not to impact the street trading licences currently issued. The dominance of hot food also impacts the ability to encourage other, different commodities (such as fabrics) due to odours and fumes. Consequently, further reducing any of the space between stalls would work to further discourage applications of this sort. It is important to note that this is not a plan in perpetuity and can be consulted on if the offer changes or, alternatively, when the plans for electrical upgrades begin in earnest.

Nurturing an alternate offer, that meets the needs and wants of residents, is high on the agenda. Naturally, Saturdays have been earmarked as a target. Although our ability to curate a themed/specialist market offer is somewhat reduced due to the contraventions of the City of Westminster Act; we have had success with the recently organised Berwick Street Community Saturdays. As you will be aware, significant hurdles still exist for start-up businesses to begin trading independently (primarily overheads for infrastructure, logistics, and staffing) we will continue to explore avenues in which support can be given to bring these ideas to market.

We also feel it important to address and provide clarity on some of the peripheral issues raised regarding Council decisions.

Decisions to make modifications to the Peter Street unit have been made with the oversight and full consultation of all traders since taking ownership in 2019. Such work has included a new shutter, electric servicing, CCTV, improved lighting, and levelled flooring which has significantly improved conditions within the unit. Initial meetings with traders requested lockable storage units which were implemented to house fridges; however, it was requested that these were removed. There has been on going issues with vermin and pests which are prevalent in Soho however poor behaviour and non-adequate storage of food and food disposable has further encouraged pests in this location. At the behest of traders, the Council have also worked collaboratively to review its pricing strategy with traders on two occasions, in 2021 and 2022. Please also note that the issue of pests and poor hygiene have continued following the removal of the wooden structures securing the refrigerated units, which is primarily due to the unwashed utensils and unkept fridges currently being housed (relevant traders have been notified).

Additionally, this is also an opportunity to address the historic electrical issues on the street. Issues included appliances not meeting British accreditation standards, the integrity of leads compromise (fraying/bare wiring/taped casings), as well as burned extension leads (reflecting extreme overloading). In response the catalogue of concerns listed, contractors and partners such as FMC distributed compliant cabling. Furthermore (although reduced) overloading of the sockets/bollards is still present, which can cause damage to the cables, extension leads, and potentially the user. Similarly, on the occasions where a socket has been removed due to fusing to the cable, it has been noted that the leads were incorrectly clipped/connected. Such traders have since been made aware. As aforementioned, future electrical improvement is planned for the market, however this will be 16 amps of power. Similar levels of power access are present at other food markets within the borough, such as Tachbrook Street, where such issues are not present, and traders' operations are not impeded. In the interim, option 3 was proposed to evenly distribute traders around the existing power post until the new proposals were made to mitigate this.

The Council also wished to address the allegations of intimidation pertaining to the joint engagement session alongside Thames Water on 10/11/23. For context, this was organised following Thames Water noticing blocked rain gullies whilst undertaking checks of the bricks and mortar premises along Berwick Street. Upon speaking to traders, some admitted to pouring wastewater/oil/fats/grease down the surrounding drains. As this is a criminal offence under Section 111 of the Water Industry Act (which can lead to fines and prosecution if pictured breaching) both parties thought it pertinent to organise an educational site visit. This was attended by a Market Development Officer, a City Inspector for the West End team, and two Thames Water officers. Each trader received a booklet, letter highlighting the relevant laws and standard conditions, and contact details of the Thames Water officers for any further discussion. 12 out of 18 traders present admitted to breaching this and were advised to change behaviours due to the severity of the offence. Equally, the Council is exploring options as to how we can help those who will find it more difficult to adapt their operations where possible. We are open to hearing how best to approach such issues in the future, however deemed it essential to highlight the mistake before a trader found themselves falling foul of the litigation.

Finally, regarding permanent licences, the intention was to take open applications for permanent licences once the market layout had been decided to avoid duplicating variations. This is because the intention was to amend the pitch numbering (make them linear/run in numerical order) and, as such, any subsequent permanent licence would have the corresponding correct number. The issue of permanency requests can be revisited during the Licensing Sub Committee, whereby the outcome of the consultation will be determined, with any changes to take effect by 1 January.

Kind Regards and Best Wishes,  
The Markets Team

Westminster City Council  
14<sup>th</sup> Floor, City Hall  
64 Victoria Street  
London  
SW1E 6QP

Please sign up to our monthly Westminster [Markets Newsletter](#) for all upcoming news, schemes, and opportunities at our markets.



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**From:** [REDACTED]  
**Sent:** Thursday, November 16, 2023 4:57 PM  
**To:** Ali, Farhana: WCC <fali1@westminster.gov.uk>  
**Cc:** Whitehouse, Harry: WCC <hwhitehouse@westminster.gov.uk>; Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk>; street, tradinglicensing: WCC <streetlicensing@westminster.gov.uk>; Barraclough, Geoff (Cllr): WCC <gbarraclough@westminster.gov.uk>; Fisher, Paul (Cllr): WCC <pfisher@westminster.gov.uk>; Lilley, Patrick (Cllr): WCC <plilley@westminster.gov.uk>; Dimoldenberg, Paul (Cllr): WCC <pdimoldenberg@westminster.gov.uk>; Tim Lord <tim.lord@thesohosociety.org.uk>; Pring, Shannon: WCC <spring3@westminster.gov.uk>; St Rose, Rebecca: WCC <rstrore@westminster.gov.uk>; Licensing: WCC <Licensing@westminster.gov.uk>; [REDACTED]  
**Subject:** Updated Response: Berwick Street Market Layout Change Consultation 2023 - Deadline For Response 16 November 2023

Some people who received this message don't often get email from [bsts@berwickstmarket.org](mailto:bsts@berwickstmarket.org). [Learn why this is important](#)

Dear Street Trading Licencing team

**Updated** timely response to your Berwick Street Market Layout Proposals Formal Consultation: Berwick Street Market Layout Change, Demarcation and Numeration of Pitches, please see response below and documents attached (4 more signatures attached - more to follow).

Having been granted licence by James II as "New Hay Market" in 1687, Berwick Street Market evolved over the centuries, from a square on Kemp Field, into 60 plus pitches, in 2 rows, on Berwick Street and became known as, "The Berwick". Despite being an historic Market, it is now just one row of 35 pitches and in danger of losing any opportunity to revive its status, energy and allure. The proposals to reduce it further are unacceptable; there is demand for pitches, and the hustle and bustle, vibrancy and banter, that makes Berwick Street Market the heart of Soho, could be lost.

The proposals to lose 7 or 8 pitches is headed in the wrong direction, particularly when considering there were 21 licence applications in 2015, 24 licence applications in 2016, 25 licence applications in 2017, 41 licence applications in 2018, 46 licence applications in 2019, 24 licence applications in 2020 (pandemic), 18 licence applications in 2021 (pandemic) and 43 licence applications in 2022 - clearly demonstrating demand for licenced trading on Berwick Street (see number of applications attached). Not only do we need all of the existing 35 pitches, we actually need more pitches to meet demand and Westminster has a fiduciary duty to make the pitches available and really should not have withheld them over the last few years as it has.

All of the proposals stifle growth, prohibit change and negatively impact the local community that has clearly expressed wishes for a diversified market – this is simply not possible if the number of pitches is reduced. Under the



proposals, what the market is, is what the market will be - with no chance for anything different, despite the demand and the potential being self-evident.

Reducing stalls from 35 to 27 consigns innovation and diversification to history, instead of facilitating an historic market back into being as an engine of start-up business, commercial endeavour, innovation and creativity. The proposals, particularly, impact residents negatively as they will not see the change they are hoping for. They also, negatively, impact local businesses as it deprives them of the footfall and spend that a thriving market delivers; a market generates the same revenue for local businesses as it generates for itself – the point made in GLA Research papers. So, all of your proposals are bad for residents, bad for local businesses and bad for Berwick Street Market.

Reducing pitches reduces new business opportunity and terminates evolution. The proposals are ill-conceived, just as the 2016 privatisation was ill-conceived, the 2019 Peter Street “cold store” was ill-conceived, 2023 blue-cables intervention was ill conceived and the free market Wifi was ill-conceived... we could go on but have already established the pattern and the point.

The privatisation took two years, 37,000 signatures, sound advice, crowd-funded legal support, a huge media campaign and Joanna Lumley, to defeat - that campaign opened-up Westminster and developers to scrutiny, and caused ructions and resignations after the Berwick Street butterfly flapped its wings. The Peter Street “cold store” cost the Mayor 50k and all of the work done was ripped out and put into skips, after traders called in WCC environmental officers who condemned the installation of domestic fridges in wooden cabinets, despite traders pointing out the rat and fire issues during consultation and before commencement of works. The public Wifi has not worked for five years (or at all since its installation) and has recently proved too unreliable to be of any service. The blue cables, that were demanded by the markets team, are now just an ongoing embarrassment as they continue to fuse into sockets and knock out power posts. A catalogue of failures.

Further, the proposals (Consultation attached) to lose 8 pitches, move traders from and renumber their permanently licenced pitches, and limit electricity to just one wholly inadequate 16amp socket per pitch, is going in entirely the wrong direction. None of the proposals will work for traders, the market, nor the wider community, unless, Berwick Street Market is to lose its place at the heart of Soho culture, creativity and community.

For example, Soho Dairy operates from its permanent licenced pitch 1122 (its recorded address with suppliers, banks and governmental institutions) and runs equipment, approved by Westminster, that simply will not run off one 16amp socket. If any of these proposals were to go ahead, Soho Dairy would not be able to operate a coffee machine (30amp re-configured to run on 16amp, with all peripherals running off a second socket; safety lights and festive lights, point of sale machines, chargers, fridge and ice machine) so half of its revenues would be lost and the business put in serious trouble, in an already economically emaciated West End. Residents would be impacted as Soho Dairy became a hub for the community during lockdowns and throughout the pandemic.

This is just one example, other traders have similar and different issues that need to be understood and addressed before any changes are considered, let alone made. None of the proposals work; it would have been far better for WCC to provide BSTS with the funds necessary for proposals – rather than bury old layout proposals under a new consultation, in the interests of third parties.

Please remember that the existing power posts were put in place during the development of Kemp House and paid for with a £100,000 donation, from Berwick Street Securities, under the old regime that did not actually want to see a market here at all. Certainly, the donation was made before the developer was awarded the contract and the market did not feature in most of the developers plans and proposals thereafter. There were never enough power posts put in place to replace the 30amp feeds from local shops and certainly not enough for a modern market to meet environmental and hygiene criteria (hot water washing). Westminster has actually removed power posts, since.

There's no need to make a pig's ear out of what was a silk purse. Continually repeated failures, ill-conceived proposals and stitch-ups do more harm than good. What's required is regeneration and renewal of the market as a thriving economic and social place – and specifically a considerably upgraded power infrastructure, with more posts and more power, allowing all traders to trade safely and hygienically, and to continue to adapt and innovate to the changing economic environment.

The simple fact is that your proposals are the direct opposite of anything that needs to happen now. The market has to grow, meet demand, improve and diversify its services so it can be the engine of the local economy as it was before it was scheduled for demolition in favour of developers under the old regime. We need proper plans for a new layout with more stalls, twice as much power and twice as many posts – simply put, **more power for Berwick Street Market**. Power is the biggest single issue and any layout should be built around a new infrastructure - consideration should also be given to permanent kiosks which may become necessary, factoring in climate change and draughts.

With regard to the Fire Officer's report that is being relied on, there isn't one, you do not have a fire officers report (*foi attached*), all you have is hearsay driving a potentially damaging plan, put together by someone shuffling squares on a computer - it's so wrong.

What we, currently, have is a 3.5 metre fire lane running the entire length of the market that Berwick Street Traders Society steadfastly protected throughout years of development and demolition – the fire-lane is the reason all traders are currently set on the West side kerb, to keep access the length of the street on its East side. We, also, have a double firewall between each pitch as it is mandatory that traders use fire retardant gazebos. There is no fire regulation requiring space between each stall holder, this requirement is not a feature of festivals and it was never a feature of the privatisation process or consultations; in fact, all private operators planned to use all 35 pitches to the maximum, in order for the market to be viable and Westminster encouraged this. We know this because we met the private operators and collaborated in tenders. Through-out the tender process Westminster Officers actually argued that the fire lane was unnecessary and proposed a return to 2 rows of stalls, in the wider centre space of the market (layout attached), with a fire bay each end described as adequate. All of this was recorded and evidenced in the tender process.

So, which is it to be, a full-length market of end-to-end pitches with a fire-lane? Or 2 rows of stalls with a fire-bay each end and no fire-lane? These are the things that need to be discussed before a serious proposal can be made. Reducing pitches is not the answer; it is self-defeating and both revenues and opportunities will be lost. The proposals are not just damaging they are extraordinarily dull and unimaginative. This is Soho, the global heart of creativity - we can and must do better.

BSTS has invested 8 years protecting and promoting Berwick Street Market for no return other than witnessing a slow, progressive improvement that has come about, despite Westminster ill-informed and often political interventions. More importantly, BSTS has been right in all of its judgements and protestations, again all recorded and evidenced, yet there is still no appetite for Westminster to enter real dialogue, let alone a partnership, which has been proposed time and time again.

There are, also, real concerns that fewer traders means higher pitch fees as, by law, the market has to be run at cost by Westminster and the cost will not be reduced by any of these proposals. So, 27 traders will meet the costs of 35 and that is not acceptable when the ability to trade is being substantially impaired and the genuine thrill of a vibrant market is being deliberately withheld.

We're now feeling harassed and bullied rather than consulted, particularly after the events of last Friday, which were nothing less than intimidation. These proposals must be dropped and serious consideration given to the future of the market, traders, community and to the law that governs our street market.

On that note, all Traders trading on their pitch for more than 6 months ought to be on Permanent licences, and withholding Permanent licences, in order to vary their licences, is not on. So, maybe the first thing to do is get your own house in order and issue the Permanent licences, when they are requested, rather than delay for your own purposes, which is not right.

The sensible way forward is an agreed growth strategy for Berwick Street Market, with improved infrastructure, bringing greater diversity and more money into the local economy, which is what a vibrant market does. Any new "layout" must facilitate growth, the current proposals don't do that.

**You do not have my consent for any variation of my licence and I have no choice but to reject all of the proposals presented.**

**Nor do you have the consent of any of the licenced traders attached.**

Yours Sincerely,



**From:** "Ali, Farhana: WCC" <[fali1@westminster.gov.uk](mailto:fali1@westminster.gov.uk)>

**Date:** Monday, 13 November 2023 at 16:16

**Cc:** "Whitehouse, Harry: WCC" <[hwhitehouse@westminster.gov.uk](mailto:hwhitehouse@westminster.gov.uk)>, "Meloyan, Emanuela: WCC" <[emeloyan@westminster.gov.uk](mailto:emeloyan@westminster.gov.uk)>, "street, tradinglicensing: WCC" <[streetlicensing@westminster.gov.uk](mailto:streetlicensing@westminster.gov.uk)>

**Subject:** Re: Berwick Street Market Layout Change Consultation 2023 - Deadline For Response 16 November 2023

Dear Traders,

**Reminder for Consultation Responses - Deadline 16 November 2023**

This is a follow up email to my previous reminder requesting for your comments no later than 16 November 2023. Please find attached the Berwick Street Market consultation letter for your attention.

Details of the consultation can also be found on Commonplace: [Have Your Say Today - Berwick Street Market - Commonplace](#)

Yours faithfully,

A handwritten signature in black ink, appearing to read 'fali'.

**Miss Farhana Ali**

Senior Licensing Officer | Public Protection and Licensing

**Westminster City Council** | City Hall, 15<sup>th</sup> floor, 64 Victoria Street, London SW1E 6QP

**T: 0207 641 6500** (Contact Centre) | **T: 0797 102 6501** **Payment Line: 0114 551 3742**

**E:** [fali1@westminster.gov.uk](mailto:fali1@westminster.gov.uk) | **W:** [www.westminster.gov.uk](http://www.westminster.gov.uk)



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**From:** Ali, Farhana: WCC <[fali1@westminster.gov.uk](mailto:fali1@westminster.gov.uk)>

**Sent:** 13 November 2023 15:41

**To:** Ali, Farhana: WCC <[fali1@westminster.gov.uk](mailto:fali1@westminster.gov.uk)>

**Cc:** Whitehouse, Harry: WCC <[hwhitehouse@westminster.gov.uk](mailto:hwhitehouse@westminster.gov.uk)>; Meloyan, Emanuela: WCC <[emeloyan@westminster.gov.uk](mailto:emeloyan@westminster.gov.uk)>

**Subject:** Re: Berwick Street Market Layout Change Consultation 2023 - Deadline For Response 16 November 2023

Dear Traders,

**Reminder for Consultation Responses - Deadline 16 November 2023**

Please find attached the Berwick Street Market consultation letter for your attention.

These letters have also been hand delivered to your pitches on (19 October 2023), to either the licence holder or registered assistant on the pitch.

- We ask that you review the proposed 3 options and advise us which of the 3 options you choose
- The consultation ends on 16 November 2023, therefore please note that comments received after this date will not be considered.

Can you kindly copy in your responses directly to myself, Emanuela Meloyan, Harry Whitehouse and [streetlicensing@westminster.gov.uk](mailto:streetlicensing@westminster.gov.uk) no later than 16 November 2023.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Fali'.

**Miss Farhana Ali**

Senior Licensing Officer | Public Protection and Licensing

**Westminster City Council** | City Hall, 15<sup>th</sup> floor, 64 Victoria Street, London SW1E 6QP

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**From:** Ali, Farhana: WCC

**Sent:** 23 October 2023 14:32

**Subject:** Berwick Street Market Layout Change Consultation 2023 - Deadline For Response 16 November 2023

Dear Traders,

Please find attached the Berwick Street Market consultation letter for your attention.

These letters have also been hand delivered to your pitches on (19 October 2023), to either the licence holder or registered assistant on the pitch.

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- The consultation ends on 16 November 2023, therefore please note that comments received after this date will not be considered.

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Yours faithfully,

A handwritten signature in black ink, appearing to read 'Farhana Ali', written in a cursive style.

**Miss Farhana Ali**

Senior Licensing Officer | Public Protection and Licensing