



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

Date:

04 April 2024

Classification:

For General Release

Title of Report:

Street Trading - Isolated Pitch - Pitch 1651 Whitehall

Report of:

Director Public Protection & Licensing

Policy context:

To provide a safe, well-regulated environment.

Financial summary:

None

Report Author:

**Miss Farhana Ali
Senior Licensing Officer Street Trading**

Contact Details:

**Telephone: 0797 102 6501
E-mail: fali1@westminster.gov.uk**

PROPOSAL DETAILS

Proposal:	The designating resolution passed by the Council on 25 July 1990 be varied to rescind the designating resolution for designated Pitch 1651 Whitehall
Pitch Designation:	The original designation for Pitch 1651 is located at “Whitehall, footway, 6’ North of lamp standard No. 15201. The pitch location can be found at Appendix A
Ward Name:	St James

1. Purpose of the report

The Licensing Sub-Committee is asked to vary the designating resolution passed by the Council on 25 July 1990 to rescind the designating resolution for designated Pitch 1651 at Whitehall as recommended by officers.

2. Background

The original designation for Pitch 1651 is “Whitehall, footway, 6’ North of lamp standard No. 15201

Pitch 1651 has not been licensed since at least 2019 and has not been used since the installation of hostile vehicle mitigation bollards on Whitehall.

We have been made aware that the licensee for this pitch has passed away and we have not received an application for succession from a next of Kin. The licensing service undertook a suitability assessment of the pitch and following comments determined that the pitch was no longer suitable for street trading.

3. Consultation

In seeking to de-designate Pitch 1651 at Whitehall the Licensing Service has undertaken the statutory consultation with the Highway Authority, Police, Counter Terrorism and the West End Street Traders Association.

In addition, notification of the intention to de-designate the pitch was sent to the Council's relevant Ward Members.

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

4. Consultation Responses:

a) Ward Councillors:

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

b) West End Traders Association (WESTA):

On 07 February 2024, the Licensing Service received an email that WESTA has no observations to make in respect of the proposal to rescind the designation for Pitch 1651. The email can be found at **Appendix C** of the report.

c) Highways Planning:

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

d) Community Safety & Specialist Service:

On 30 January 2024, the Licensing Service received an email from Mark Chalmers who is in support of the de-designation of Pitch 1651 Whitehall. The email can be found at **Appendix D**.

e) Metropolitan Police Service:

On 21 March 2024, the Licensing Service received an email from Ben P Turner who advised the removal of the pitch is likely to reduce potential risk to the buildings situated behind the location. The email can be found at **Appendix E**.

5. Equality Implications

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

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

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

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

The Council has had regard to the above duty and confirms that the proposal to vary the designation of Pitch 1651 Whitehall does not breach its public sector equality duty.

6. Street Trading Policy

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

Designation and De-designation- Policy ST5

(i) The Licensing authority will designate specific resolution for licensed street trading.

(ii) The Licensing authority may de-designate pitches that are no longer suitable for licensed street trading.

(iii) The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances.

Policy ST5(2) states that the Licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered not suitable include:

- (a) It has not been used for trading for a period of greater than six months;*
- (b) There has been altered circumstances due to the increased pedestrian footfall resulting from altered highways layouts, public realms improvements or construction projects;*
- (c) Where there is new development and the siting and operation of the trading pitch would adversely affect local pedestrian flow or cause congestion, including close to the transport stops or stations.*

7. Legal Framework

Designating Resolution

- a) Section 5(1)(a) of the City of Westminster Act 1999 (the Act) provides:
The council may pass a resolution designating a street or part of a street in the city as a licence street (a designating resolution).
- b) Section 5(2) of the Act provides:
The council may from time to time rescind or vary any such resolution.
- c) Section 6(1) of the Act provides:
The council shall not pass a designating resolution or rescind or vary such a resolution unless they have first given notice in writing of their intention to do so—

- (a) to the Commissioner;
 - (b) to the highway authority (except where the council is the highway authority);
 - (c) to any body which appears to the council to represent the relevant street traders;
 - (d) to all licence holders whom the council could reasonably expect would be affected by the proposed resolution; and
 - (e) where the proposed resolution would designate private land, to the owner of that land or to the person assessed for the uniform business rate on it.
- d)** Section 6(5) of the Act provides:
- The council shall give to any person who makes representations by the due date an opportunity to make oral representations to the council and may at their discretion give to other persons making representations a similar opportunity.

8. Appeals

- a)** Section 19(1) of the Act provides:
- Any person aggrieved—
- (a) by a resolution varying or rescinding a designating resolution;
 - (b) by a specifying resolution or a resolution varying such a resolution;
 - (c) by a standard condition; or
 - (d) by the amount of a fee or charge under section 22 (Fees and charges) of this Act,
- may appeal to the Magistrates' Court whose decision shall be final.

9. Recommendation

That the designating resolution passed by the Council on 25 July 1990 be varied to rescind the designating resolution for designated Pitch 1651 Whitehall.

List of Appendices

Appendix A	Pitch location
Appendix B	Consultation letter sent to relevant parties
Appendix C	Consultation response from West End Street Trading Association (WESTA)
Appendix D	Consultation response from Mark Chalmers (Counter Terrorism)
Appendix E	Consultation response from Ben P Turner (Metropolitan Police)

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

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

- City of Westminster Act 1999
- City of Westminster Statement of Street Licensing Policy adopted in December 2013
- Rules of Procedure for Licensing Sub-Committee
- Designating Resolution passed by the Council on 25 July 1990





Ben P Turner
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Ben P Turner,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

Pitch 1651 is located at Whitehall, on footway 6' north of lamp standard No. 15201. The following image is a photograph of where the pitch is approximately designated:





Reason: Policy ST5 within the Statement of Street Trading Policy 2013 refers to the designation and de-designation of pitches. Section 5(2) specifies that *“The licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where, in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered no longer suitable include:*

(a) It has not been used for trading for a period of greater than six months;”

Pitch 1651 has not been licensed since at least 2019 and as such we consider it appropriate to rescind the designation of this street trading pitch.

Anyone wishing to make representations about the Council’s application should do so by **26 February 2024**. Representations can be made in writing to streetlicensing@westminster.gov.uk or alternatively to the address above.

Yours sincerely,

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

Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP020 7641 6000
westminster.gov.uk

City of Westminster

Councillor Louise Hyams
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QPPublic Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QPTel. No: 0114 551 3797
Date: 29 January 2024

Dear Councillor Louise Hyams,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

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City of Westminster

Councillor Mark Shearer
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Councillor Mark Shearer,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

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Yours sincerely,

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing



Councillor Tim Mitchell
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Councillor Tim Mitchell,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

Westminster City Council

Westminster City Hall
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City of Westminster

Ian Bright
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QPPublic Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QPTel. No: 0114 551 3797
Date: 29 January 2024

Dear Ian Bright,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

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Yours sincerely,

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing



Mark Chalmers
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Mark Chalmers,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

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westminster.gov.uk



City of Westminster

Police Licensing
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

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

Tel. No: 0114 551 3797
Date: 29 January 2024

Dear Police Licensing,

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Yours sincerely,

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Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

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City of Westminster

Sean Dwyer – Highways Planning
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QPPublic Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QPTel. No: 0114 551 3797
Date: 29 January 2024

Dear Sean Dwyer,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

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64 Victoria Street
London SW1E 6QPPublic Protection & Licensing
15th Floor
City Hall
64 Victoria Street
London SW1E 6QPTel. No: 0114 551 3797
Date: 01 February 2024

Dear WESTA,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1651.

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Yours sincerely,

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Miss Farhana Ali
Senior Licensing Officer
On behalf of the Director - Public Protection and Licensing

Fwd: Notification of intention to rescind designation for Pitch 1651 - Whitehall

Nichola Kerr <nichola_kerr@me.com>

Wed 2024-02-07 17:22

To: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Cc: Wally Watson <wallywatson@kws-imports.co.uk>

 1 attachments (247 KB)

WESTA - Notification of intent to rescind designation - Pitch 1651 - Whitehall.pdf;

Afternoon Farina

Thank you for your email dated 1 February 2024, and attached letter notifying WESTA of the Council's proposal to rescind the designation for Pitch 1651 located at Whitehall.

WESTA has no observations to make in respect of the proposal to rescind the designation for Pitch 1651.

I shall be grateful if you would let WESTA know the date the Licensing Sub-Committee will meet to hear this matter.

Kind regards

Nichola

Begin forwarded message:

From: "Ali, Farhana: WCC" <fali1@westminster.gov.uk>**Subject: Notification of intention to rescind designation for Pitch 1651 - Whitehall****Date:** 1 February 2024 at 11:56:29 GMT**To:** Nichola Kerr <nichola_kerr@me.com>, Wally Watson <wallywatson@kws-imports.co.uk>

Dear WESTA,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

Please see attached the notification of intention to rescind designation for Pitch 1651 - Whitehall

Yours faithfully,

**Miss Farhana Ali**

Senior Licensing Officer | Public Protection and Licensing

RE: Notification of intention to rescind designation for Pitch 1651 - Whitehall

Chalmers, Mark: WCC <mchalmers@westminster.gov.uk>

Tue 2024-01-30 16:21

To: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Dear Farhana,

Many thanks for your letter.

My feedback in relation to the intention to rescind designation in relation to Pitch 1651, Whitehall, is below.

Pitch is located in Whitehall. It is an environment that contains a number of targets that could be considered attractive targets for an individual with hostile intent. It is in close proximity to a number of internationally significant and high profile locations including, Government, Military and crowded places/spaces. Hostile vehicle mitigation was installed in 2009 which limits vehicular access to the area.

The building behind the proposed pitch appears to military; while there is no specific intelligence to suggest this will be the target of terrorist attack, such buildings may be seen as more attractive terrorist targets and without appropriate measures in place, the introduction of such a structure may increase risk to potential placed/secreted IED. It may also be used to assist climbing over the wall behind the structure.

If the pitch is considered viable, recommendation from the MPS Counter-terrorism Security Advisor is that any structures are temporary and that they are removed at the end of each day. It is also worth noting that the pitch is very likely to be suspended on event days.

Many thanks,

Mark

From: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Sent: Monday, January 29, 2024 7:33 PM

To: Chalmers, Mark: WCC <mchalmers@westminster.gov.uk>

Subject: Notification of intention to rescind designation for Pitch 1651 - Whitehall

Dear Mark Chalmers,

INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

Please see attached the notification of intention to rescind designation for Pitch 1651 - Whitehall

Yours faithfully,



Miss Farhana Ali

Senior Licensing Officer | Public Protection and Licensing

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

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

RE: Notice of Hearing: Intention to Rescind Designation: Pitch 1651 - Whitehall

Ben.P.Turner@met.police.uk <Ben.P.Turner@met.police.uk>

Thu 2024-03-21 10:15

To: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Cc: Ian.Bright <Ian.Bright@met.police.uk>

Caution: This email originated from outside of the organisation. Do not click links, open attachments or reply, unless you recognise the sender's email address and know the content is safe.

Hi Farhana,

Good to speak with you earlier. Following on from our conversation I do not have much in the way of formal comment except to state that the removal of this pitch likely reduces the risk of to any potential placed IED's, other weapons or potential climbing aid to the buildings situated behind this location.

As the hearing is expected to simply be a formality and there is no real requirement for a CTSA, I will not be attending. If this changes, please let me know and I can make arrangements for a colleague to attend on my behalf (I am not available that day).

Kind regards,

Ben Turner

Counter Terrorism Security Advisor | Protective Security Operations

Metphone 762703 | Mobile 07767 480557

Address 1st Floor, Block B, Lambeth HQ, 109 Lambeth Road, London SE1 7LP | e-mail Ben.P.Turner@met.police.uk



From: Ali, Farhana: WCC <fali1@westminster.gov.uk>

Sent: 20 March 2024 17:27

Cc: street, tradinglicensing: WCC <streetlicensing@westminster.gov.uk>

Subject: Notice of Hearing: Intention to Rescind Designation: Pitch 1651 - Whitehall

Importance: High

Dear All,

REGULATION OF STREET TRADING INTENTION TO RESCIND DESIGNATION: PITCH 1651 – WHITEHALL

I am writing further to my email dated from 29 January 2024 in respect of the proposal to de-designate the designating resolution for street trading Pitch 1651 Whitehall in accordance with Section 6 of the City of Westminster Act 1999.

The matter must now be considered by the Council's Licensing Sub-Committee on **4th April 2024. The meeting will begin at 10am and will be held in room 18:01, 18th Floor, City Hall, Victoria Street, London SW1E 6QP.** If you have any special requirements for access to this building e.g. wheelchair access, please contact the case officer on the telephone number or email address listed below.

I attach a copy of the Rules of Procedure for such meetings.