



City of Westminster Act 1999

1999 CHAPTER i

6 Designating resolution

- (1) 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.
- (2) The council may, if they think fit, also give notice in writing to residents associations or amenity societies representing residents living in the vicinity of the area which is the subject of a proposed designating resolution.
- (3) The notice shall—
 - (a) give details of the proposed resolution; and
 - (b) state that representations may be made regarding the proposed resolution by the date specified in the notice as the due date, which date shall be not less than 28 days after the notice has been given.
- (4) As soon as practicable after the due date the council shall consider all representations received by that date and may at their discretion consider representations received after that date.
- (5) 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.
- (6) The council may pass the proposed resolution with any modifications they consider appropriate as a result of any representations received under this section except that no designating resolution may be passed—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) in respect of private land without the consent of the owner of that land or the person assessed for the uniform business rate on it or;
 - (b) in respect of a highway in respect of which the council is not the highway authority, without the consent of the highway authority.
- (7) As soon as practicable after passing a resolution under subsection (6) above the council shall by notice in writing inform all persons given notice of the proposed resolution.
- (8) If a street trading pitch becomes temporarily unsuitable for street trading purposes the council may after consulting the Commissioner, the highway authority, the licence holder and any other body or person they think fit, temporarily designate an alternative location for that pitch.
- (9) A temporary designation under subsection (8) above shall remain in force for a period of no longer than five years from the date of designation and the street trading licence for the temporarily unsuitable pitch may be transferred, with any necessary modification to that licence, to the temporarily designated pitch.