



City of Westminster

# Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Wednesday, 9th July, 2014**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

|                         |                     |
|-------------------------|---------------------|
| Tim Mitchell (Chairman) | Jean Paul Floru     |
| Nickie Aiken            | Angela Harvey       |
| Rita Begum              | Louise Hyams        |
| Susie Burbridge         | Patricia McAllister |
| Melvyn Caplan           | Jan Prendergast     |
| Peter Freeman           | Shamim Talukder     |
| Heather Acton           | Aziz Toki           |
| Nick Evans              |                     |

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued at the Reception Desk, City Hall. If you have a disability and require any special assistance please contact the officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Senior Committee & Governance Officer, Jonathan Deacon.**

**Email: [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 1, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

**1. DECLARATIONS OF INTEREST**

To receive any declarations by Members and Officers of any personal or prejudicial interests in Matters on this agenda.

**2. MINUTES**

To approve the minutes (open) of the meeting held on 12 March 2014

**(Pages 1 - 6)**

**3. DEREGULATION BILL 2014 - LICENSING PROPOSALS**

Report of the Head of Legal and Democratic Services

**(Pages 7 - 14)**

**4. LICENSING APPEALS**

Report of the Head of Legal and Democratic Services

**5. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**

**6. FUTURE LICENSING COMMITTEE MEETING DATES**

19 November 2014 and 11 March 2015

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IN RESPECT OF THE FOLLOWING ITEM THE COMMITTEE ARE ADVISED TO CONSIDER IT IN PRIVATE IN ACCORDANCE WITH REGULATION 14 OF THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005, IN THAT THE REPORT CONTAINS LEGAL ADVICE TO THE AUTHORITY WHICH OUTWEIGHS THE PUBLIC INTEREST IN THE HEARING TAKING PLACE IN PUBLIC

**7. LICENSING ACT 2003 - SECOND OR "SHADOW" LICENCES**

**(Pages 15 - 20)**

Report of the Operational Director for City Planning and the Head  
of Legal And Democratic Services

**8. MINUTES**

**(Pages 21 - 28)**

To approve the confidential minutes of the meeting held on 12  
March 2014

**Peter Large**  
**Head of Legal & Democratic Services**  
**4 July 2014**

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City of Westminster

## Minutes

Meeting:

**Licensing Committee**

Time and date of meeting:

**10:00 hours on Wednesday 12 March 2014 at City Hall, 64 Victoria Street, London, SW1E 6QP**

Attendees:

**Councillors:**  
**Audrey Lewis (Chairman)**  
**Heather Acton**  
**Alan Bradley**  
**Susie Burbridge**  
**Melvyn Caplan**  
**Nicholas Evans**  
**Jean-Paul Floru**  
**Andrew Havery**  
**Tim Mitchell**  
**Jan Prendergast**  
**Aziz Toki**

Apologies:

**Councillors Ahmed Abdel-Hamid, Michael Brahams, Gwyneth Hampson and Patricia McAllister.**

Contact:

**Jonathan Deacon**  
**Senior Committee and Governance Officer**

Details:

**Tel: 020 7641 2783**  
**Email: [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk)**

## 1. **DECLARATIONS OF INTEREST**

- 1.1 There were no declarations of interest.

## 2. **MINUTES**

- 2.1 The minutes of the Licensing Committee meeting held on 20 November 2013 were agreed as a correct record and were signed by the Chairman.

## 3. **AMENDMENT TO RULES OF PROCEDURE**

- 3.1 Sharon Bamborough, Assistant Service Manager, introduced the item. Following a decision by the Licensing Committee at the November 2013 meeting to introduce new practices in respect of late papers received at Licensing Sub-Committee meetings, the Rules of Procedure (which sets out the legislative and the Council's requirements for meetings under the Licensing Act 2003 and Gambling Act 2005) had been updated to reflect these changes in practice. Ms Bamborough stated that if applicants or other parties submitted papers less than three days prior to a Licensing Sub-Committee hearing they would be required to produce a covering note explaining why the information had been submitted late and why it should be taken into account. It would be at the Sub-Committee's discretion whether late evidence would be considered. Another option for Members was to adjourn the application to a later hearing.
- 3.2 The Chairman stated that there had appeared to be less evidence being submitted late since the licensing representatives had been informed of the Council's approach. It had been well received by the industry and at the Entertainment Forum. Members agreed that it had assisted the process. Councillor Havery referred to the need for an update in paragraph 13.3 of the Rules of Procedure as Westminster Magistrates' Court was located in Marylebone Road and not Horseferry Road. It was agreed that this amendment should be made along with the additions to paragraph 8.6 which set out the procedures in respect of late papers.
- 3.3 **RESOLVED:** That the amended Rules of Procedure for applications submitted under the Licensing Act 2003 and the Gambling Act 2005 be approved with immediate effect, subject to an amendment to paragraph 13.3.

## 4. **AREA PREMISES LICENCES – DISCUSSION PAPER**

- 4.1 The Committee received a discussion paper on area premises licences. Jackie Gibson, City Management Commissioner stated that the use of the area licences had been largely successful. There were some concerns mainly around the decision making processes, consultation engagement with the community and external agencies and also which forms of licence the Council should be using to facilitate events. The report detailed the findings of an internal review which had been carried out. This examined the current arrangements and made recommendations with regard to the potential changes required.

- 4.2 Ms Gibson informed the Committee that since the internal review had been undertaken the recommendations had already been implemented and had assisted working processes for Special Events and Licensing officers.
- 4.3 The Chairman stated that she had requested a review of the processes as there were some complaints that had been received relating to area licences, particularly in Soho. Amenity Society representatives were of the view that for major events such as London Pride, the area licences processes were limiting their contribution to decision making. The outcomes of the internal review had been fed back to the Amenity Society representatives such as Matthew Bennett and David Bieda. Only certain aspects of London Pride were licensable. The biggest complaint in respect of London Pride was noise emanating outside premises. Outside of Soho, the Notting Hill Carnival did raise concerns but it was not covered by an area licence as the parade element of the event was not licensable under the Licensing Act. The main items currently under review were the static sound systems.
- 4.4 Tim Owen, Commissioner Events, Filming and Contingency Planning explained the elements involved in relation to the organisation of London Pride. He had initially agreed to have his name on the area licences due to the excellent workings between the Police and Council services. There had been increasing resources strains on the Police and they had altered the way they looked at events. Organisers of major events had been required to have stewards replacing Police officers. There were Police officers overseeing London Pride after 8pm. There were also stewards at this event until the early hours of the morning. There had been improved funding for the Police recently due to the receipt of a Mayoral grant. Mr Owen stated that it was helpful that he was now being advised when a Temporary Event Notice application was submitted linked to an event for which the Special Events Group had given permission to use an area licence. Mr Owen described some of the other aspects of the organisation of London Pride. A road management system was organised with the Police. There were discussions with cleansing teams including the Street Management Night Team and Veolia. Litter pickers were deployed on foot. Overall there had been a lot of improvements in terms of communication. There were high expectations as this was the second year for the new board overseeing the event which included the No.10 Communications Director as chairman. His own aim was to reduce risk to the City Council. Mr Owen stated that the Council still retained responsibility for managing the street, including crowds and visitors and also ensuring residents and businesses were able to get access to their properties. Giving permission for the use of the streets and keeping a temporary traffic order in place were part of the co-ordination of the event which provided certainty. When things went wrong elsewhere in the world, it resulted from a lack of co-ordination. Communication did, however, need to improve further including with local communities.
- 4.5 The Committee considered that the events that took place under Area Premises Licences held by the Council's Special Events Group were well run. There were some areas for improvement in terms of consultation with residents, businesses, Members and other interested parties as set out in the

internal review and there were proposals to address this including the City Council developing a clear and structured protocol, built into the Licensing, Operational and Safety Planning Group process. There were already a number of meetings to ensure communication between senior officers including the Pre-Approval Validation process fortnightly meetings for event applications and Major Impact Events Overview Westminster meetings every six weeks.

- 4.6 Members of the Committee requested that they were always advised of events in their wards and also those which came under LGA jurisdiction in Trafalgar Square. Consultation was requested on the smaller events as well as the larger events. Many of the events were known about a number of months in advance by the organisers but not communicated to those representing residents and businesses. It was agreed that the implementation of the area licences recommendations would be assessed by the Licensing Committee in a year's time.
- 4.7 **RESOLVED:** That the recommendations set out in the internal review be assessed by the Licensing Committee at the March 2015 meeting.

## 5. LICENSING APPEALS

- 5.1 The Committee received a report which provided the current position in respect of appeals that had been submitted in response to the decisions of the Licensing Sub-Committee. There were eight appeals that were due to be heard at Westminster Magistrates' Court in 2014. These were Covent Garden Food and Wine in Wellington Street at the end of March and the beginning of April, Alfred's in Davies Street and Manbar in Charing Cross Road in early April, Boulevard in Walker's Court and Pleasure Lounge in Rupert Street during July, Ham Yard Hotel in the Great Windmill Street area during August and Ognisko Polskie in Princes Gate and Avalon in Shaftesbury Avenue during September.
- 5.2 Mr Large, Head of Legal and Democratic Services, advised that the Council had successfully defended the appeal in respect of Aura in St James's Street in both Westminster Magistrates' Court and the High Court. The Claimant's representatives in respect of Vendome in Piccadilly had now advised of their instruction to withdraw their application for judicial review and had agreed to pay the Council's costs in full. Mr Large also stated that an application for permission to bring a claim for judicial review relating to the refusal to treat a transfer application made by the administrators of Le Pigalle Limited as valid had been successful at the Administrative Court.
- 5.3 The latest position on the Hemming case relating to sex establishment licensing fees was discussed. Mr Large stated that an order had now been received from the Supreme Court granting permission to appeal. It appeared that the Council would have some support in the Supreme Court from regulatory bodies. The parties who had made representations at the permission to appeal stage now had to formally apply to intervene. The time limit for that had not yet expired. It was still possible for parties to apply to



intervene even if they had not made a submission at the permission to appeal stage. The Supreme Court had indicated that the parties involved should look to agree a date for the hearing between October and December 2014. There were three possible outcomes to the case. It could be won or lost in the Supreme Court or referred to the European Court of Justice. Mr Large added that the Committee had considered the re-setting of sex establishment licensing fees at the June 2013 meeting. Hemming's representatives had not proceeded with a stated intention to legally challenge this decision. However, they had put in an objection to the external auditor saying that the decision was unlawful and that there were a number of unlawful items in the Council's accounts relating to sex establishment fees. The external auditor had dismissed that objection. They could still potentially challenge the external auditor's decision in the High Court.

5.4 The Chairman commented that one of the concerns was the perception of the effect on Central Government on the way they approached their consultation on fees under the Licensing Act 2003. One of the most significant issues for the Council was full fee recovery. The consultation did not address this issue. It was noted that the response to the consultation needed to be submitted by 10 April. Mr Large made the point that it would be interesting to see how the consultation interplayed with the Hemming case in that the full cost provisions introduced in the Police Reform and Social Responsibility Act 2011 were incompatible with the interpretation of the Provision of Services Regulations that the Court of Appeal had given. The Home Office had stated in the consultation they would provide guidance on an interpretation of the provision of services regulations at a later date.

5.5 **RESOLVED:** That the contents of the report be noted.

## **6. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**

6.1 There were no additional matters for consideration. The Chairman and Members of the Committee wished to put on record their thanks to Councillors Bradley and Brahams for their major contribution to the Licensing Committee and Licensing Sub-Committee, particularly as chairmen of the Licensing Sub-Committee.

## **7. FUTURE LICENSING COMMITTEE MEETING DATES**

7.1 It was noted that the next meetings of the Licensing Committee would be held on Wednesday 9 July 2014, Wednesday 19 November 2014 and Wednesday 11 March 2015. All meetings are scheduled for 10.00am.

## **8. EXEMPT REPORT UNDER REGULATION 14 OF THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

8.1 **RESOLVED:** That under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded from the meeting for the following item of business on the grounds that the report contains legal advice to the

Authority which outweighs the public interest in the matter taking place in public.

**9. LICENSING ACT 2003 - IMPLICATIONS OF AN APPLICATION TO TRANSFER THE LICENCE DURING A REVIEW PROCESS**

9.1 The Committee received a report providing details of two recent summary review hearings where transfer applications were made during the transfer applications were made during the review process with a view to preventing the licences from being revoked.

9.2 **RESOLVED:** That the contents of the report be noted.

**10. CLOSE OF MEETING**

10.1 The meeting ended at 11.51pm.

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Chairman

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Date



City of Westminster

## Licensing Committee Report

|                           |  |
|---------------------------|--|
| <b>Meeting:</b>           | Licensing Committee                          |
| <b>Date:</b>              | 9 July 2014                                  |
| <b>Classification:</b>    | For General Release                          |
| <b>Title:</b>             | Deregulation Bill 2014 – Licensing proposals |
| <b>Wards Affected:</b>    | All  |
| <b>Financial Summary:</b> | None   |
| <b>Report of:</b>         | The Head of Legal and Democratic Services    |

### **1. Executive Summary**

- 1.1 This report seeks to advise the Licensing Committee of the current proposals in the Deregulation Bill that will have an impact on the Council's licensing functions.

### **2. Recommendations**

- 2.1 That the Licensing Committee notes the report and the attached Appendix 1.

### **3. Background**

- 3.1 The Government published a draft Deregulation Bill on 1st July 2013. The draft Bill was subject to pre-legislative scrutiny by a Joint Committee which published its report on 19th December 2013. In response to the Joint Committee's report, the Government introduced the actual Bill on 23rd January 2014. The Bill is due to receive its second reading in the House of Lords on 7<sup>th</sup> July 2014.
- 3.2 The various provisions referred to in the Bill may be subject to further amendment as the Bill continues its passage through Parliament. Subject to that, the final provisions will come into force on a day to be appointed by the Secretary of State in a commencement order. The proposals are set out in Appendix 1 to this report.

3.3 The Deregulation Bill should not be confused with the deregulation of entertainment licensing, the first phase of which has been implemented by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013. The main effect of the 2012 Act is that live music is no longer licensable between 08.00 and 23.00 where the live music comprises:

- (i) A performance of unamplified live music;
- (ii) A performance of live amplified music in a workplace with an audience of no more than 200 people; and
- (iii) A performance of live music on licensed premises (open for the sale of alcohol for consumption on the premises) which takes place in the presence of an audience of no more than 200 people.

3.4 The second wave of entertainment deregulation was proposed in a DCMS consultation in October 2013 and is due to be implemented by a Legislative Reform Order. This appears to have been delayed but the proposed changes would mean that the following are no longer licensable when they take place between 08:00 and 23:00 on any day:

- (i) All regulated entertainment held by local authorities, hospitals, nurseries and schools on their own premises (with no audience limit);
- (ii) Live music in licensed premises (open for the sale of alcohol for consumption on the premises) or in a workplace with an audience of not more than 500 people;
- (iii) Recorded music in licensed premises (open for the sale of alcohol for consumption on the premises) with an audience of not more than 500 people;
- (iv) Live and recorded music activities held on premises owned by local authorities, hospitals, nurseries and schools and on community premises (including church and village halls) with an audience of not more than 500 people;
- (v) Live and recorded music, plays, dance and indoor sport at tented circuses with no audience limits;
- (vi) Greco-Roman and freestyle wrestling at any premises with no audience limits.

An additional proposal is to suspend the effect of any condition of a premises licence or club premises certificate that relates to recorded music between 08:00 and 23:00. This is to mirror the provision for live music conditions brought in by the 2012 Act.

#### **4. Financial and Legal Implications**

4.1 There are no financial implications and the legal implications are set out in the body of the report.

**If you have any queries about this report or wish to inspect any of the Background Papers please contact: Barry Panto in Legal and Democratic Services on 020 7641 2712 or email [bpanto@westminster.gov.uk](mailto:bpanto@westminster.gov.uk).**

## Deregulation Bill

The Government published a draft Deregulation Bill on 1st July 2013. The draft Bill was subject to pre-legislative scrutiny by a Joint Committee which published its report on 19th December 2013. In response to the Joint Committee's report, the Government introduced the actual Bill on 23rd January 2014. The Bill is due to receive its second reading in the House of Lords on 7<sup>th</sup> July 2014.

### Proposals relating to alcohol and entertainment licensing

#### Community and Ancillary Seller Notice (CANs)

Clause 52 of the Bill creates a simple new "licence" process - the CAN - to allow small-scale, "low" risk alcohol sales over 36 months, without the need for a premises licence or TEN providing there is no objection from the police, environmental health or the local authority.

The CAN is aimed at two eligible groups:

- "Ancillary sellers" (e.g. bed & breakfast providers) that would like to sell (or provide as part of a wider business contract) minimal amounts of alcohol to customers.
- "Community groups" (e.g. charities; church choirs; the Women's Institute) that may regularly hold small "one-off" events at which they wish to sell alcohol. While the law provides for them to do so under a temporary events notice (TEN), they complain of bureaucratic burdens; costs (£21 each) and limits for TENS (12 per year).

At this stage, it is envisaged that key elements of the new authorisation will be that:

- A prospective CANs user will give notice to the licensing authority (either on a simple form or via email/letter) that they are going to operate either as (i) an "ancillary" or (ii) "community" seller.
- Notification will specify the relevant premises at which they intend to sell alcohol: in the case of an ancillary seller this can be just one premises; community groups could name up to three premises within their local area
- The licensing authority may reject or revoke a CAN at any point under a light-touch process to be triggered by an objection from the police or the Environmental Health Service on grounds of the licensing objectives (the prevention of crime and disorder; the prevention of public nuisance, public safety, protection of children from harm).
- Local discretion: Local authorities could reject CANs in their own cumulative impact policy (CIP) areas.

- CAN users need not hold personal licences (which many consider will be a risk and unfair to the licensed trade) but they could be named as “responsible persons” who could be prosecuted for certain criminal offences under the 2003 Act. It is already the case that community premises such as village and church halls are exempt from the requirements to have a Personal Licence Holder and Designated Premises Supervisor.
- Licensing costs are recovered from the fees so there would need to be a small processing fee.

The sales of alcohol under a CAN would be subject to certain parameters to provide safeguards against loopholes that could be exploited by unscrupulous operators. At this stage, the Government envisages that they would include the following:

- All sales of alcohol between “low risk” prescribed times, for example, 7am to 11pm.
- “Ancillary sellers” to be strictly defined by reference to business types, for example small Bed and Breakfasts, guest houses and self catering accommodation providers.
- Ancillary sellers may only supply limited amounts of alcohol to their customers (e.g. up to three units per individual customer over 18 in a 24 hour period) possibly explained in user friendly language e.g. one 175ml “standard” glass of wine), one 75ml bottle of wine in a room per two night stay or between two adults with a meal.
- Alcohol sale must take place within the public facing area of the business which directly relates to the main service being provided.
- A cap on the size of community event (e.g. up to 300 people) and tickets must be sold to the event either before or on the door.
- “Community sellers” are defined as non-profit making bodies, charities, voluntary sector etc. Alcohol sold by community sellers must be ancillary to a wider event e.g. a performance or flower show or talk or meal. Only the equivalent of an average of up to three units of alcohol per person

### **Temporary Event Notices (TENs)**

Any individual premises can be used for 12 temporary events per year; up to a total maximum of 21 days. Clause 53 of the Bill would amend section 107 of the 2003 Act and increase the maximum number of TENs per year from 12 to 15. This would take effect from 2016.

## **Personal Licences**

All alcohol sales have to be made or authorised by a personal licence holder. This is to ensure that anyone running or managing a business that sells alcohol does so in a professional manner: All personal licences currently have to be renewed after ten years. The original intention behind this requirement was to provide a mechanism for identifying licence holders who had got criminal convictions for offences which could result in their licence being revoked but who had not declared them.

The November 2012 alcohol strategy consultation sought views on whether the requirement to renew a personal licence should be "removed or simplified to reduce the burden on responsible businesses". The document noted that licence holders would still be required to ensure their personal details were up-to-date and to declare any relevant criminal convictions; that there were existing criminal offences for failing to make these declarations; and that the police have powers to check personal licences.

Clause 54 of the Bill would amend section 115 of the 2003 Act so that a personal licence continues indefinitely.

## **Liqueur Confectionary**

It is an offence, under section 148 of the 2003 Act, to sell liqueur confectionary to children aged under 16. Clause 55 of the Bill would repeal section 148 of the 2003 Act.

## **Late Night Refreshment**

Late night refreshment is defined as the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11.00pm and 5.00am. The provision of such refreshment is a licensable activity because of its potential link with alcohol-related crime and disorder. A number of exemptions are set out in schedule 2 to the 2003 Act (for example, hot food or hot drink supplied to hotel and bed and breakfast guests; hot drinks from vending machines; and the supply of hot food and hot drink from workplace canteens).

The Government's alcohol strategy consultation claimed there was scope to reduce the burdens of licensing requirements for businesses that provide late night refreshment but do not sell alcohol and are not connected with the alcohol-related late night economy.

Clause 56 of the Bill would insert new paragraph 2A into schedule 2 of the 2003 Act to give licensing authorities the powers to exempt a supply of hot food and hot drink from the licensing requirements if it takes place:

- on or from premises which are wholly situated in an area designated by the licensing authority;
- on or from premises of a description designated by the licensing authority;
- during a period (beginning on or after 11pm and ending on or before 5am) designated by the licensing authority.

A licensing authority would be able to designate a description of premises only if the description is one that is prescribed by regulations. A designation could be varied or revoked by the licensing authority that made it and a licensing authority that makes, varies or revokes a designation would have to publish the designation, variation or revocation.

### **Reporting loss or theft of licence**

If a document such as a premises licence, temporary event notice, club premises certificate or personal licence is lost, stolen, damaged or destroyed, the licence holder must report this to the police before a copy can be issued.

Clause 57 of the Bill would amend the 2003 Act to remove the requirement to report a loss or theft etc to the police before a copy of the document could be issued.

### **Exhibition of films**

The exhibition of a film for public performance is, with certain exemptions, one of the forms of 'regulated entertainment' set out in Schedule 1 to the 2003 Act. The Act requires that a licence to exhibit film must include a mandatory condition that age classification restrictions are complied with.

In response to the DCMS consultation in January 2013, there was 'near universal agreement' that age classification restrictions had to be retained. For this reason, the Government said there would be no blanket deregulation but it would examine opportunities for deregulating low risk community-based film exhibition in suitable circumstances.

Clause 58 of the Bill sets out the Government's proposal to remove the requirement for a licence in 'community premises' where the following conditions are satisfied:

- prior written consent for the entertainment to take place at the community premises has been obtained by or on behalf of a person concerned in the organisation or management of the entertainment;
- the entertainment is not provided with a view to profit;
- the audience consists of no more than 500 persons;
- the entertainment takes place between 8am and 11pm on the same day; and
- a recommendation concerning the admission of children to the exhibition of the film has been made by the film classification body or relevant licensing authority, and the admission of children to that exhibition of the film is subject to such restrictions (if any) as are necessary to comply with that recommendation.

The term "community premises" is defined in section 193 of the 2003 Act as meaning premises that are (or form part of) a church hall, chapel hall or other similar building or a village hall, parish hall, community hall or other similar building.



## **Proposals relating to Street Trading**

### **London Street Trading Appeals**

At present, the majority of street trading appeals under the *Local London Authorities Act 1990* and the *City of Westminster Act 1999* are heard by a Magistrates Court. However, appeals of a more general nature (such as a decision to designate a street as one in which street trading may take place without a licence) are heard by the Secretary of State. The Government considers that this is an inefficient and inconsistent approach. Consequently, Clause 69 would ensure that all street trading appeals are made to the Magistrates Court as they have more expertise in making such determinations.

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# Agenda Item 7

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# Agenda Item 8

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