



City of Westminster

Committee Agenda

Title:

CommitteeName

Meeting Date:

MeetingDateLegal

Time:

MeetingTime

Venue:

MeetingLocation

Members:

Councillors:

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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 via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee 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 Committee Officer, MeetingContact.

MeetingContact_2

Corporate Website: 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 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

Stuart Love
Chief Executive
Deadline(pubagenda)



CITY OF WESTMINSTER

MINUTES

Licensing Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Wednesday 21st September, 2016**, Rooms 1A, 1B & 1C - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Nickie Aiken (Chairman), Rita Begum, Melvyn Caplan, Peter Freeman, Murad Gassanly, Angela Harvey, Louise Hyams, Tim Mitchell and Aziz Toki

Apologies for Absence: Councillors Heather Acton, Susie Burbridge, Nick Evans, Jean-Paul Floru, Jan Prendergast and Shamim Talukder

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 9 March 2016 were agreed as a correct record and were signed by the Chairman.

3 NIGHT TUBE - IMPACT MONITORING

3.1 The Chairman referred to the Night Tube service having commenced on the Victoria and Central lines on 19 August. She had made a statement when the service had previously been due to begin operating in 2015 that consideration would not be given to any extension of hours for premises licences until the Council had evidence of the impact of the Night Tube on the borough. She had invited Jo Lodge, Head of Westminster Business Intelligence and Dominic Baker, Business Intelligence Business Lead, who were assessing the impact of the Night Tube to produce a report and provide a presentation at the meeting.

3.2 Mr Baker asked Members of the Committee to give him some feedback as to how they would like to see the data presented in the future. The data was in some cases sourced from within the Council such as fixed penalty notices, street cleansing incidents and noise complaints. Also Business Intelligence had worked very closely with the Business Improvement Districts ('BIDs') who

had provided significant levels of footfall data from over fifty sites in the borough. Crime data would be obtained from the Police which was released in monthly batches. Currently the most recent Police crime data available was from June 2016.

- 3.3 Mr Baker made the point that the current outputs were for the Victoria and Central Lines and in the future data would be provided for the Jubilee, Piccadilly and Northern lines when they begin to operate a Night Tube service. Mr Baker explained in respect of Figure 1 in the report, which summarised the results of the network analysis, that before the Night Tube service went live in August, the Business Intelligence team had looked at which areas were most likely to be most impacted and have the greatest footfall. They had assessed which sources within the Council provided reliable data, such as that relating to licensed premises. They had worked out the likely routes that people would take from licensed premises to the Central and Victoria underground stations. Once there was a record of data over time from the Night Tube service it would be possible to measure it against the initial analysis undertaken.
- 3.4 Mr Baker stated in respect of Figure 2 of the report that it gave an idea of the extent of the footfall sensor locations across the borough. New West End Company in the Oxford Street area had granted the Council access to detailed footfall data from a number of sensors at retail sites. Marble Arch was well represented. Soho was not currently as well represented although there was Heart of London and Northbank data. In response to a question from Councillor Harvey, Mr Baker informed Members that he was in discussions regarding accessing datasets for the Victoria area. He was currently contacting other stakeholders in areas where there was currently less information being supplied.
- 3.5 Mr Baker took Members of the Committee through some of the data outputs on the interactive dashboard. There was a graph which compared weekly 'noise in the street' incidents between 00:00 and 07:00 on Friday and Saturday night (the hours of operation of the Night Tube service). The team was looking at whether the number of incidents would increase following the introduction of the Night Tube. Ward and cumulative impact data was available and the types of noise could also be ascertained. Mr Baker clarified that whilst the data shown in Figure 3 was for the last three financial years, it could be displayed in terms of calendar years. He also made the point that with the Night Tube having operated for four to five weeks, a trend was not apparent as yet. He showed Members an initial output of footfall data count. Any trends were likely to be found over the next ten weeks or so, taking into account the Night Tube services on the additional lines. Ms Lodge advised the Committee that more in depth analysis would be taken forward by specialist analysts. This was likely to commence towards the end of 2016.
- 3.6 Councillor Mitchell stated that whilst the datasets provided were particularly useful, it would be very helpful to have further footfall data on the Villiers Street and Covent Garden areas. He appreciated the detail of sensor data provided there would not be comparable to what was supplied by New West End Company. He added that it would be useful to have data from Transport

for London, including the correlation of the footfall with the use of underground stations and asked how detailed the Police crime data was. Mr Baker replied that the Police open data set out the volume of crime over a 24 hour period but not the exact times of the crimes.

- 3.7 Councillor Caplan and Councillor Freeman welcomed the work that had been commenced by the Business Intelligence Team. They agreed that it was too early to attempt to interpret the data at this stage. It would be of interest after six months of the Night Tube operating. Councillor Caplan made the additional point that no conclusions could be drawn until after at least twelve to eighteen months or so. He expressed the view that officers would have to be careful in how they interpreted the Police data. There would likely be a time lag in terms of what the information related to as arrests and convictions often took place a while after the incidents took place.
- 3.8 The Chairman thanked Mr Baker and Ms Lodge for the report and presentation and stated that the Committee would watch the evolving work in this area with interest.
- 3.9 **RESOLVED:** That the Committee welcomed the work to date of the Business Intelligence Team in monitoring the impact of the Night Tube in Westminster.

4 REVISION OF STANDARD CONDITIONS FOR STREET TRADING LICENCES AND PENALTY POINT SCHEME

- 4.1 Robin Grey, Senior Licensing Officer (Street Trading), introduced the report. He stated that street trading activities in Westminster are regulated under the City of Westminster Act 1999. The Council was able to prescribe standard conditions that are applicable to all street trading licences. The current standard conditions had applied since 15 March 1999. Mr Grey advised that the Council had adopted its current street trading policy in 2013. Certain provisions of the policy could not be applied to street trading activities unless they were incorporated into the conditions of the licence. Therefore a proposed set of revised standard conditions had been drafted and were included with the report. In drafting the revised conditions, consultation had taken place with Environmental Health, Trading Standards, the City Inspectors and the Fire Service. The Committee were being asked to give their approval for notice to be given to all holders of street trading licences of the proposed amended standard conditions and of the right for representations to be made in accordance with the statutory procedure set out in the City of Westminster Act 1999.
- 4.2 Mr Grey explained that the licensing conditions are enforced by the City Inspectors and that a penalty point scheme had been in place since August 1996 to deal with breaches of street trading and temporary licence conditions. Each licence condition under the current scheme had a prescribed number of points that would be allocated to a licence holder by the City Inspector if they breach that condition. Where a licence holder received 15 penalty points in a 6 month period, they would be given a written warning. If the licence holder received 25 points in a 6 month period, they would be required to attend a

hearing before a Licensing Sub-Committee or Licensing Officer Panel. The current scheme allowed a trader to breach a 'one point' condition 15 times before a written warning is given. By increasing the minimum penalty points from one to three, non-compliance could be dealt with faster whilst still taking a staged approach to enforcement and giving sufficient opportunity for a trader to modify their operation and comply with their conditions. Mr Grey referred to the fact that the Committee were being asked to give their approval for consultation to be undertaken with relevant stakeholders on the amended schedule to the street trading penalty point scheme in order to reflect the proposed changes to the standard conditions.

- 4.3 Members of the Committee considered that whilst it was very important to maintain health and safety standards such as keeping the receptacle in good condition and updating the food safety condition which were mentioned by Councillor Mitchell, it was also necessary to give the small businesses at the markets some flexibility and support. The emphasis should not be on penalising the traders. They had in many cases been operating successfully in the markets for many years and worked hard, often in difficult circumstances. Councillor Harvey, the Chairman and Councillor Gassanly did not consider that an onus should be placed on the City Inspectors to enforce if the distance above ground level of any part of any roof, awning, or supports of the stall or goods suspended from any of these was not at least 2.6 metres. As stated by the Chairman, the Committee were keen that there was a comprehensive consultation process and that the comments of the traders were taken fully into account. The language used in the consultation should be easy to understand. Councillor Harvey recommended that there was a simplified guide to street trading for new traders. Councillor Gassanly made the point that it was important not to discourage new traders coming to the markets in Westminster which would lead to them deciding to set up businesses elsewhere. There needed to continue to be diversity in business and trade in the borough. Councillor Hyams queried whether the insurance cover having a minimum liability of £2m was set at an appropriate level.
- 4.4 Mr Grey, in response to the comments of the Committee, advised that many of the conditions did arise from the 2013 street trading policy which had been approved by the Council and had been subject to extensive consultation. Officers were required to implement that policy such as that 'no trading shall take place unless the trader or a registered assistant is present on the stall'. Mr Grey informed Members that the 2.6 metre minimum roof height requirement was part of the current conditions and it was now proposed that this requirement would be removed, except for stalls at the Bayswater Road Exhibition Site where the artists' association wanted this consistency from its traders. Officers worked with new traders regarding the receptacles and whilst each market tended to have a theme there was a variety of stalls that could be approved. In respect of the insurance, there was no proposal to increase the minimum level of cover but the proposed conditions would require that traders are insured throughout the time that they are licensed. There were street trading associations who offered insurance to traders at a cost of approximately £50 a year as part of their membership. He added that it would be possible to provide a simplified guide for market traders and meetings would be held with traders to discuss the proposed conditions if they

requested them. It was his aim to update the Committee at the next meeting scheduled for 30 November.

4.5 **RESOLVED:** (i) That the Committee give their approval for consultation to be given to all holders of street trading licences of the proposed standard conditions and of the right for representations to be made in accordance with the statutory procedure set out in the City of Westminster Act 1999; and

(ii) That the Committee give their approval for consultation to be undertaken with relevant stakeholders on the amended schedule to the street trading penalty point scheme to reflect the proposed changes to the standard conditions.

5 LICENSING ENFORCEMENT BRIEFING REPORT

5.1 The Committee received an update on the licensing enforcement work being carried out in the City of Westminster for information. It was agreed that if Members had any queries or thoughts in relation to the report post meeting they would contact Jonathan Deacon, Senior Committee and Scrutiny Officer and/or the report author directly, Andrew Ralph, Head of Service, West End and City Operations – Public Protection and Licensing.

5.2 **RESOLVED:** (i) That the contents of the report be noted; and

(ii) That if Members of the Committee have any queries or thoughts in relation to the report post meeting, Jonathan Deacon and/or Andrew Ralph be contacted.

6 LICENSING APPEALS

6.1 The Committee noted the most recent information in respect of appeals which had been submitted in relation to decisions taken by the Licensing Sub-Committee. One appeal for Press, 32-34 Panton Street had been withdrawn by the Appellant and costs had been paid to the City Council in February 2016. There was one appeal that had recently been submitted for Chutney Mary, 72-73 St James's Street, SW1 and a date for the full hearing had yet to be set.

6.2 The judgement of the European Court of Justice was awaited. Councillor Harvey sought clarification that the Council's legal representatives had previous experience of taking forward cases in the CJEU.

6.3 **RESOLVED:** (i) That the contents of the report be noted

(ii) That clarification be provided to Councillor Harvey as to whether the legal representatives employed by the Council had previous experience of taking forward cases in the European Court of Justice.

7 PAPERS FOR INFORMATION

- 7.1 The Committee received three papers for information. These were an update on the Licensing Team's work in relation to the Gambling Act 2005, including the development of the new gambling policy, a summary of the Licensing Team's performance from the commencement of the Public Protection and Licensing restructure in April 2015 to August 2016 and the Council's written response to the House of Lords Select Committee On the Licensing Act 2003's 'Call for Evidence'. The Committee welcomed the indicators of improved performance in respect of the work of the Licensing Team. Councillor Begum requested further information in respect of the 2016/17 figures for issuing unopposed major applications within 28 days from determination. Claire Hayes, Senior Practitioner – Licensing, replied that the 274 licences issued was for a period from April to August 2016.
- 7.2 The Committee also approved of the comprehensive response to the House of Lords Select Committee On the Licensing Act 2003 which had been finalised in consultation with the Chairman of the Licensing Committee and had been submitted prior to the deadline in early September. In response to a question from Councillor Mitchell, Richard Cressey, Principal Policy Officer, advised that the Council had offered to provide evidence at the Select Committee hearings should they require it and would continue to do so.
- 7.3 **RESOLVED:** That the contents of the report be noted.

8 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

- 8.1 Councillor Harvey raised with the Committee the point that an awkward situation had been caused when a ward councillor had sent an additional representation directly to the Members of the Sub-Committee meeting which she had chaired. The applicant's legal representative had been informed that Members were fully aware that the councillor had not followed the correct procedure of forwarding the concerns via the Licensing Team and that they were therefore not taking his additional submission into account. This statement had been accepted by the Applicant's legal representative.
- 8.2 Members of the Licensing Committee were also concerned that there appeared to be other instances where councillors were not fully aware of the differences between the licensing and planning regimes. For planning committee meetings, representations are typically submitted via the planning officer dealing with the application but Members may be directly lobbied in advance of any Committee hearing. That is considered to be a legitimate part of the process provided that the Members disclose the details of all communications that have been received in advance of the Committee meeting and do not pre-determine the application. For licensing sub-committee meetings, it is not possible for someone to submit any evidence if that person has not made a representation within the statutory time limit (28 days following the date on which the application is made). Members of the Licensing Sub-Committee must not be lobbied in advance of the meeting, either orally or in writing and should refuse to accept or read any

representations or evidence submitted directly to them in advance of a hearing. Only the applicant and parties who have made relevant representations can submit evidence to the Licensing Sub-Committee and that must be done via the Licensing Team. It was agreed by the Members of the Licensing Committee that this distinction between the two regimes would be set out in the Council's internal publication to Members, the Weekly Information Bulletin.

- 8.3 Councillor Gassanly wished to express his concerns at the treatment of the Chairman of Islington Council's Licensing Sub-Committee which had considered the Fabric Review application. He had spoken to her and she was under Police protection having received death and rape threats following the decision which had been taken. He was greatly concerned by some of the unacceptable challenges which some elected representatives were being asked to face, including in this instance. This could potentially be replicated in the event of high profile applications at Westminster's Sub-Committee meetings. He also believed that it was disappointing that politicians should publicly question the decisions of councils' licensing authorities. Members stated that they had experienced verbal abuse in relation to decisions they had made at licensing and planning meetings. The Chairman made the point that following an incident which had been brought to her attention, she had agreed a protocol with the Licensing Team that applicants or objectors do not leave licensing sub-committee meetings at the same time as the Members.
- 8.4 **RESOLVED:** That the distinction between the licensing and planning regimes and how Members should respond to them be set out in the Weekly Information Bulletin.

9 FUTURE LICENSING COMMITTEE MEETING DATES

- 9.1 It was noted that the next meetings of the Licensing Committee would be held on Wednesday 30 November 2016 and Wednesday 22 March 2017. All meetings are scheduled for 10.00am.

The Meeting ended at 11.01 am

CHAIRMAN: _____

DATE _____

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City of Westminster

Licensing Committee Report

Meeting:	<i>Licensing Committee</i>
Date:	<i>30th November 2016</i>
Classification:	<i>For General Release</i>
Title:	<i>Licensing Fees Review 2017/2018</i>
Wards Affected:	<i>All</i>
Financial Summary:	<i>This report sets out the fee strategy for the licensing regimes where the authority can set a fee to attempt to recover its own costs. The proposed fees will enable the authority to recover the majority of its costs for 2017/18.</i>
Report of:	<i>Director of Public Protection and Licensing</i>

1. Executive Summary

- 1.1 The report sets out the proposed fees for those licensing regimes where the Council has the power to set its own fees for 2017/18. The proposed fees will enable the Council to recover its costs in managing and administering these licensing regimes. The projected fees generated from these fees will be in line with the projected fees for 2016/17.

2. Recommendations

- 2.1 That the proposed fees attached to this report as Appendix 1 be approved commencing 1st January 2017.

3. Reasons for Decision

- 3.1 The proposed fees, attached to this report as Appendix 1 will enable to the Council to recover its reasonable costs in processing and determining applications and ensuring compliance with the appropriate legislation and the conditions of the licence.

4. Background

- 4.1 The current licence fees were agreed by the Committee on the 18th November 2015. Those fees came into effect on the 1st January 2016.
- 4.2 The Council has undertaken a review of the current fees and charges to which the Council, as Licensing Authority has the power to set.
- 4.3 The fees are estimated by assessing the time it takes for each step in the process from receipt of application to determination. This will include the time taken by internal consultees, such as the Environmental Health Consultation Team and Registrars.
- 4.4 The Council has also identified the estimated cost for the compliance and enforcement function carried out by the City Inspectors. The time has been assigned to different roles and the costs based on hourly rates. There is also a proportion attributed to these fees for management time which will include the costs associated with running the Department and Services involved with delivering a function associated with one or more licensing regimes. The fees have then been established by calculating the cost associated with each of the licensing functions.
- 4.5 In calculating these fees officers have taken into account the requirements under the EU Service Directive and the Supreme Courts rulings in the Hemming case. As the 2016/17 financial year has not concluded this review has not considered any surplus or deficits from this financial year. The surpluses/deficits from the 2016/17 financial year will be considered as part of the 2018/19 fee review.
- 4.6 Although the Council has not received any applications or issued any licences for some regimes it still must set a fee to recover the costs of carrying out that function. In the cases where the Council has not processed any applications or issued licences the costs have been estimated based on similar types of application process and licences.

5. 2017/18 Fee Review

Animal Licensing Regimes

- 5.1 The Council is the Licensing Authority for the licensing regimes that permit the keeping, performing or selling of animals. The Council is required to consult a

qualified animal welfare inspector or veterinary surgeon on new applications and renewals or variations of existing licences. The Council has previously not included the costs associated with this contracted service within the licence fee. It is proposed to include this cost within the 2017/18 fee which accounts for the greater than 100% increase in the proposed fees. The increase is necessary to recover the Council's full costs in administering these licensing regimes.

Gambling Premises Licences

- 5.2 The Gambling Act 2005 regulates the licensing regime associated with gambling premises. The Council is the Licensing Authority under this regime and has the power to set fees locally. However, the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (2007 Regulations) impose a cap on the maximum amount of fee that Licensing Authorities can charge.
- 5.3 The majority of the premises licence application fees are set at the maximum amount that the Council can charge. However, there are some reductions in the proposed fee levels for transfers, reinstatement of licences and duplicate applications. The reductions of these fees have been proposed based on the projected time and costs associated with considering and determining these applications. The Council receives very few applications for these application types per year.
- 5.4 The maximum fee level set by the 2007 Regulations has been in place since 2007. The costs associated with this Licensing regime has increased and as a result the some of the licensing process now cost the council more than the maximum fee level that the authority can charge (e.g. Betting Shop Annual Fee). The Council will be lobbying the Department of Culture Media and Sport (DCMS) to consider the maximum fee levels for premises licensing under the Gambling Act 2005 with a view to increasing the cap to enable full cost recovery.

Marriage Premises Approvals

- 5.5 The Council manages the approval of premises for civil marriages and civil partnerships. As part of the licensing process the Council's Registrar's will undertake inspections of the premises to ensure it meets the required standards for civil marriages and partnerships. The costs associated with the Registrar's inspections have not been included in previous fee levels for this licensing regime. To ensure full cost recovery for this licensing regime it is proposed to include the costs associated with the Registrar's time in this process in the 2017/18 fees.

Poisons

- 5.6 The Council is required to register premises that sell poisons within Westminster. In the previous licensing review (2016/17) the officer time was underestimated

and it is proposed that the fee level is increased to ensure that the Council recovers its costs in running this licensing regime.

Hypnotism Performances

- 5.7 In considering the resources required for the licensing of hypnotism performances within Westminster as part of this year's fee review it is proposed to reduce the fees for new and renewal applications. This reduction takes into account the perceived reduction in the time and resources required for considering and determining these applications.

Other fees

- 5.8 The Sex Establishment and Sexual Entertainment Venue applications fees remain similar to last year's fees. It is proposed that there will be a slight increase (between 2% and 7%) in fees across all of the licence application types within this regime, excluding Sex Establishment Variations where there is a 2% reduction in the fee compared to last year. The projected income should achieve full cost recovery in 2017/18.
- 5.9 The licensing fees for premises that provide special treatments within Westminster increased significantly last year as part of the 2016/17 fee review. It is proposed as part of this year's review that the fee levels for new, renewal, transfer and confirmation of provisional licence applications will be reduced. However, there will be a slight increase (excluding the late renewal surcharge) in the fee levels for other applications for this licensing regime. These changes are being proposed based on the costs associated with each of the application types. The proposed fees for this regime are projected to achieve full cost recovery.
- 5.10 The Scrap Metal licensing regime is a reasonably new licensing regime (came into effect in 2013). The Council has issued less than 15 licences under this regime and these licences last for a period of three years. After considering the time and costs involved within this process the fee levels have generally been reduced. However, the fee for a new Scrap Metal site licence has been increased due to the need for inspections of the site. The proposed fees will ensure cost recovery for administering and enforcing this regime.

6. Statutory Set Fees

- 6.1 There are other licensing regimes that the council is responsible for which have a statutory set fee. Those regimes are:
- 6.1.1 The Licensing Act 2003 (in respect of premises and personal licences; and temporary event notices;

- 6.1.2 The Gambling Act 2005 (in respect of gambling permits, notifications and lotteries);
 - 6.1.3 The Explosives Regulations 2014 (in respect of the manufacture and storage of explosives); and
 - 6.1.4 The Firework Regulations 2004 (in respect of the sale of fireworks outside specified periods).
- 6.2 The majority of Licensing Act 2003 regime fees were originally set via the Licensing Act 2003 (Fees) Regulations 2005. These fees do not cover the costs associated with the licensing regime. The Council has been running with a deficit since the introduction of this Act and has lobbied DCMS and the Home Office to allow the authority to set its own fees to enable it to recover its reasonable costs.
- 6.3 Earlier this year the Local Government Association (LGA) carried out a consultation exercise to identify the costs associated with the Licensing Act 2003. The purpose of this consultation was to enable the collection of data from Licensing Authorities that could then be submitted to the Home Office as evidence to support the need for locally set fees. The results from the LGA's consultation exercise have been provided to the Home Office who as yet have not responded to that submission.
- 6.4 The Gambling Act 2005 maximum fees for gambling premises licences and fees for permits, notifications and lotteries were set in 2007 when the Act came into effect. Over the years the costs associated with processing to determination applications and compliance costs have increased. The Council will continue to lobby DCMS on all of the Gambling Act 2005 fees and the need for the fees to be set locally with no cap or to increase the fee levels and cap to a more appropriate level.

7. Financial Implications

- 7.1 The proposed fees have been calculated on a full cost basis which considers both the direct and indirect costs associated with processing, monitoring and enforcing the licences.
- 7.2 When setting fees there is a statutory requirement to consider the income received for a licensing scheme compared to the overall cost of delivering the scheme. The fee level must be set to not generate income in excess of the cost associated with delivery.
- 7.3 The table below sets out the projected income levels for 2017/18:

Licence Type	Projected Income 2017/18
Other General Licensing	£10,000
Special Treatment Premises Licensing	£703,000
Gambling Act 2005 Licensing	£174,000
Marriage Approvals	£48,000
Sex Establishment Licensing	£111,000
TOTAL	£1,046,000

7.4 The projected income that will result from this fee review will be in line with the projected income for 2016/17 (£1,058,000).

8. Legal Implications

8.1 The Council can set its own fees for the regimes listed in Appendix 1 of this report. The fee must be reasonable and cover the Council's costs in the administration of those application types and further costs to ensure compliance.

8.2 All of the regimes (excluding Gambling) are covered by the European Union Services Directive. Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that fees charged in relating to authorisations must be proportionate to the effective cost of the process. The proposed fees must recover the council's costs in relation to the licensing process and cannot be used as an economic deterrent or to raise funds. The fees as proposed should enable to Council to recover its reasonable costs.

8.3 If the proposed fee structure results in a surplus or loss for the financial year there will be an appropriate reduction or increase in fees as the case may be for the following financial year.

Appendices

Appendix 1 – Proposed 2017/18 fees

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Mr Kerry Simpkin, Licensing Team Manager on 020 7641 1840 or email ksimpkin@westminster.gov.uk

BACKGROUND PAPERS

- 2015/16 – Income reports.
- 2016/17 – Budgets.
- 2016/17 – Officer Hourly rates including on costs.
- All legislation relating to the licensing regimes referred to within this report.

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2017/18 Licensing Fees

Licensing Regime	Application Type	Current Fee	Modelled Cost To Council	Statutory Limit	Fee to be set for 2017-18	Change in Fee	Variance
Auctions	New	£722	£763	N/A	£763	£41	6%
Animal Boarding Establishments	New	£905	£1,154	N/A	£1,154	£249	28%
	Renew	£332	£556	N/A	£556	£224	68%
	Duplicate	£20	£21	N/A	£21	£1	5%
Dangerous Wild Animals	New	£708	£990	N/A	£990	£282	40%
	Renewal	£240	£330	N/A	£330	£90	38%
	Duplicate	£20	£21	N/A	£21	£1	7%
Dog Breeding Establishments	New	£688	£816	N/A	£816	£128	19%
	Renewal	£240	£497	N/A	£497	£257	107%
	Duplicate	£20	£21	N/A	£21	£1	7%
Exhibitions	New	£798	£843	N/A	£843	£45	6%
	Renewal	£339	£359	N/A	£359	£20	6%
	Duplicate	£20	£21	N/A	£21	£1	7%
Gambling - Casino	Annual Fee	£3,000	£3,000	£3,000	£3,000	£0	0%
	Variation	£2,000	£2,000	£2,000	£2,000	£0	0%
	Transfer	£314	£332	£1,350	£332	£18	6%
	Re-installment	£314	£332	£1,350	£332	£18	6%
	Duplicate	£20	£21	£25	£21	£1	7%
	Change of Details	£50	£115	£50	£50	£0	130%
Bingo Premises	New	£3,500	£3,500	£3,500	£3,500	£0	0%
	Annual Fee	£1,000	£1,610	£1,000	£1,000	£0	61%
	Variation	£1,750	£1,750	£1,750	£1,750	£0	0%
	Transfer	£355	£341	£1,200	£341	-£14	-4%
	Re-instatement	£355	£341	£1,200	£341	-£14	-4%
	Provisional Statement	£3,500	£3,500	£3,500	£3,500	£0	0%
	License App	£355	£375	£1,200	£375	£20	6%
	Duplicate	£25	£21	£25	£21	-£4	-15%
Gambling Betting (Other)	Change of Details	£50	£115	£50	£50	£0	130%
	New	£3,000	£3,000	£3,000	£3,000	£0	0%
	Annual Fee	£600	£1,487	£600	£600	£0	148%
	Variation	£1,500	£1,500	£1,500	£1,500	£0	0%
	Transfer	£335	£375	£1,200	£375	£40	12%
	Reinstatement	£335	£375	£1,200	£375	£40	12%
Provisonal Statement	£3,000	£3,000	£3,000	£3,000	£0	0%	

	License App	£355	£375	£1,200	£375	£20	6%
	Duplicate	£20	£21	£25	£21	£1	7%
	Change of Details	£50	£115	£50	£50	£0	130%
Betting Tracks	New	£2,500	£2,500	£2,500	£2,500	£0	0%
	Annual Fee	£1,000	£1,610	£1,000	£1,000	£0	61%
	Variation	£1,250	£1,250	£1,250	£1,250	£0	0%
	Transfer	£355	£375	£950	£375	£20	6%
	Reinstatement	£355	£370	£950	£370	£15	4%
	Provisonal Statement	£2,500	£2,500	£2,500	£2,500	£0	0%
	License App	£355	£375	£950	£375	£20	6%
	Duplicate	£20	£21	£25	£21	£1	7%
	Change of Details	£50	£115	£20	£50	£0	130%
	Family Entertainment Centre	New	£2,000	£2,089	£2,000	£2,000	£0
Annual Fee		£750	£1,510	£750	£750	£0	101%
Variation		£1,000	£1,000	£1,000	£1,000	£0	0%
Transfer		£355	£375	£950	£375	£20	6%
Reinsatement		£355	£375	£950	£375	£20	6%
Provisional Statement		£2,000	£2,053	£2,000	£2,000	£0	3%
License App		£355	£375	£950	£375	£20	6%
Duplicate		£20	£21	£25	£21	£1	5%
Change of Details		£50	£115	£50	£50	£0	130%
Adult Gaming Centre	New	£2,000	£2,189	£2,000	£2,000	£0	9%
	Annual Fee	£1,000	£1,510	£1,000	£1,000	£0	51%
	Variation	£1,000	£1,000	£1,000	£1,000	£0	0%
	Transfer	£355	£375	£1,200	£375	£20	6%
	Reinstatement	£355	£370	£1,200	£370	£15	4%
	Provisional Statement	£2,000	£2,089	£2,000	£2,000	£0	4%
	License App	£557	£375	£1,200	£375	-£182	-33%
	Duplicate	£20	£21	£25	£21	£1	5%
	Change of Details	£50	£115	£50	£50	£0	130%
Marriage	New	£800	£1,165	N/A	£1,165	£365	46%
	Renewal	£541	£808	N/A	£808	£267	49%
	Change of Resp. person	£76	£81	N/A	£81	£4	6%
	Amend App	£293	£196	N/A	£196	-£97	-33%
	Change of Details	£117	£123	N/A	£123	£7	6%
	Duplicate	£20	£21	N/A	£21	£1	5%
Performing Animals	New	£229	£695	N/A	£695	£466	203%
	Variation	£132	£366	N/A	£366	£234	178%
	Inspection	£41	£290	N/A	£290	£249	608%
	Copy of Register	£7	£7	N/A	£7	£0	2%
	Duplicate	£20	£21	N/A	£21	£1	7%

Pet Shops	New	£782	£1,247	N/A	£1,247	£465	59%
	Renewal	£288	£621	N/A	£621	£333	116%
	Duplicate	£20	£21	N/A	£21	£1	7%
Poisons	New	£76	£243	N/A	£243	£167	220%
	Renewal	£76	£151	N/A	£151	£75	98%
	Variation	£76	£117	N/A	£117	£41	55%
	Duplicate	£20	£21	N/A	£21	£1	7%
Riding Establishments	New	£710	£1,413	N/A	£1,413	£703	99%
	Renewal	£310	£964	N/A	£964	£654	211%
	Duplicate	£20	£21	N/A	£21	£1	7%
Zoo	New	£23,982	£27,234	N/A	£27,234	£3,252	14%
	Renewal	£30,227	£35,665	N/A	£35,665	£5,438	18%
	Exemption Request	£685	£2,127	N/A	£2,127	£1,442	210%
	Alteration	£682	£2,198	N/A	£2,198	£1,516	222%
	Transfer	£421	£187	N/A	£187	£-233	-55%
	Duplicate	£20	£21	N/A	£21	£1	5%
Hypnotism	New	£828	£521	N/A	£521	£-307	-37%
	Renewal	£261	£202	N/A	£202	£-59	-23%
	Duplicate	£20	£21	N/A	£21	£1	7%
Sports Ground	New	£8,344	£8,835	N/A	£8,835	£491	6%
	Replacement	£7,449	£8,602	N/A	£8,602	£1,153	15%
	Transfer	£418	£227	N/A	£227	£-191	-46%
	Duplicate	£20	£36	N/A	£36	£16	78%
Licensed Sex Shops/ Cinema/ Hostess Bar	New	£4,191	£4,297	N/A	£4,297	£106	3%
	Renewal	£3,288	£3,348	N/A	£3,348	£60	2%
	Variation	£1,011	£988	N/A	£988	£-23	-2%
	Transfer	£311	£329	N/A	£329	£17	6%
	Para 7 Waiver	£680	£717	N/A	£717	£38	6%
	Duplicate	£20	£21	N/A	£21	£1	7%
Sexual Entertainment Venues	New	£3,872	£3,960	N/A	£3,960	£88	2%
	Renewal	£3,201	£3,268	N/A	£3,268	£67	2%
	Variation	£1,037	£1,065	N/A	£1,065	£28	3%
	Transfer	£281	£298	N/A	£298	£17	6%
	Para 7 Waiver	£664	£701	N/A	£701	£37	6%
	Duplicate	£20	£21	N/A	£21	£1	7%
Scrap Metal Dealers - Site License	New	£525	£511	N/A	£511	£-14	-3%
	Renewal	£309	£269	N/A	£269	£-40	-13%
	Variation	£428	£319	N/A	£319	£-109	-25%
	Duplicate	£20	£21	N/A	£21	£1	7%
Scrap Metal Dealers -	New	£525	£596	N/A	£596	£71	14%
	Renewal	£309	£269	N/A	£269	£-40	-13%

Collector's License	Variation	£428	£234	N/A	£234	-£194	-45%
	Duplicate	£20	£21	N/A	£21	£1	7%
Special Treatment Premises	New (high risk)	£2,485	£2,437	N/A	£2,437	-£48	-2%
	New (low risk)	£2,381	£2,328	N/A	£2,328	-£53	-2%
	Renewal (high risk)	£1,859	£1,768	N/A	£1,768	-£91	-5%
	Renewal (Low Risk)	£1,859	£1,768	N/A	£1,768	-£91	-5%
	Transfer	£263	£193	N/A	£193	-£70	-27%
	Variation	£577	£609	N/A	£609	£32	5%
	Duplicate	£20	£64	N/A	£64	£44	220%
	Removal of treatment	£173	£183	N/A	£183	£10	6%
	Renewal of provisional	£173	£183	N/A	£183	£10	6%
	Confirmation of provisional	£1,473	£1,268	N/A	£1,268	-£205	-14%
	Late renewal surcharge (in addition to renewal fee)	£41	£41	N/A	£41	£0	0%
Change of Details	£109	£115	N/A	£115	£6	6%	
Other Charges	Cheque Surcharge	£20	£20	N/A	£20	£0	0%



City of Westminster

Licensing Committee Report

Meeting:	<i>Licensing Committee</i>
Date:	<i>Wednesday 30th November 2016</i>
Classification:	<i>For General Release</i>
Title:	<i>Westminster Licensing Standard/Charter and Local Alcohol Action Areas application</i>
Wards Affected:	<i>St James's</i>
Financial Summary:	<i>N/A</i>
Report of:	<i>Executive Director of City Management and Communities</i>

1. Executive Summary

- 1.1. This paper provides a summary of the development work that has gone into the voluntary, industry-led Westminster Licensing Standard in recent months, including discussions with prospective pilot areas.
- 1.2. The paper also provides an overview of the Home Office's Local Alcohol Action Areas (LAAAs) programme which the council has applied to be a part of and aligns closely with the ambitions of the Licensing Standard.

2. Recommendations

- 2.1. The Committee is asked to note the report
- 2.2. The paper seeks the views of the Committee on the options available to the Council and partners in implementing the Licensing Standard proposition based on feedback throughout the process to date (see section 4). Most notably:
 - What commitments should the council consider as part of its reciprocal offer to the industry as part of this partnership initiative?
 - Based on the feedback from engagement thus far, should we consider re-branding the 'Standard' as we move to implementation to better reflect the two-way nature of the project?

3. Background

3.1. It is a core commitment of City For All: Year 2 to “support the entertainment industry to develop a voluntary Westminster Standard which promotes responsible behaviour amongst licensees and sets the standard in terms of caring for the welfare of their patrons and being good neighbours”. This commitment was made as part of a wider acknowledgement of the council’s role as a custodian of the city and our duty to protect and enhance Westminster’s unique heritage so that every neighbourhood remains a great place to live, work, invest in, and visit, both now and in the future.

3.2. Following a series of bi-lateral preparatory meetings with key partners from the night time economy, a roundtable workshop was held in May 2016 for a range of organisations to provide ideas and feedback on the initial thinking behind the proposal. The key feedback from this session was as follows:

- The initiative must be industry-led and voluntary for those that want to take part and yet contribute to a demonstrable shift in how premises operate in an area.
- The focus is on improving support available for individuals who may be vulnerable as a result of intoxication, drugs or other issues in the evening and night time economy.
- Responsible operators. Premises have a responsibility to look after patrons who may be vulnerable both inside and outside their premises and should be recognised for doing so.
- Responsible enforcement. Premises should not fear having someone who is too drunk or otherwise vulnerable on the premises, provided the individual is being properly looked after and enforcement agencies should act accordingly.
- It is considered most practical to trial this in a small area of the city rather than seek to implement city-wide initially due to the diversity and complexity presented by attempting to deliver across the city as a whole.

3.3. Based on this feedback it has been identified that the specific objectives of the project are:

- Premises better able to support vulnerable individuals in and around their premises.
- Reductions in associated anti-social behaviour, crime and emergency health issues.
- Night Time Economy supported to grow responsibly.
- Improved working relationship between council, police and industry and improved perception of the council amongst key operators.

3.4. On this basis and following the workshop, officers have engaged with two prospective pilot areas, Leicester Square/Piccadilly Circus and Carnaby/Kingly Streets. These areas were chosen on the basis of support from major stakeholders in the area (Heart of London Business Alliance and Shaftesbury Plc. respectively) and the challenges faced by the two areas which are significantly different in terms of the make-up on licensed premises.

- 3.5. Significant progress has been made with the Leicester Square pilot as engagement has taken place with HOLBA officers and members on a number of occasions to develop specific proposals further. Officers continue to work up ideas with HOLBA and the Metropolitan Police with a view to presenting a draft proposal to a session with a full range of licensed premises early in the New Year. The feedback from this session will then be used to finalise and tweak the draft proposition before it is scheduled to be published and implementation commences from March.
- 3.6. There are a number of specific opportunities that are under consideration as part of this project in terms of what types of behaviours we might expect premises to adopt. For example:
- Adherence with an enhanced Best Bar None scheme introduced with a focus on reducing vulnerability. For example adoption of policies and practices for how to deal with vulnerable people inside, and in the immediate vicinity of, the premises.
 - Incorporate schemes such as Drinkaware Crew into staffing structures to support identification of vulnerable individuals, provide information to patrons reduce anti-social behaviour as a result of intoxication, and reduce pressure on security staff.
 - Support the provision of information to patrons on how to get home safely and leave the area quickly and quietly.
 - Support the provision of safe spaces for individuals who may be intoxicated, under the influence of drugs or otherwise vulnerable as a result of their situation e.g. lost their friends and their phone has run out of battery.
- 3.7. There are a number of good examples where similar approaches have worked both inside and outside Westminster. For example, during this year's Pride celebrations, a major operator in the city opened one of their premises early for breakfast and 'chill-out' space before the tube opened to support individuals to recover and seek any help they may need before heading home. If this works for the premises commercially, it may be replicable on a more sustained basis.

4. Key issues for discussion

- 4.1. Whilst there is support and appetite for the concept at a general level from licensed premises in the proposed pilot areas, it is clear that, whilst this is a voluntary initiative, the industry are keen to understand what the reciprocal offer is from the local authority and other regulatory authorities most notably the Metropolitan Police. Based on feedback from initial discussion, there are a number of areas that industry would want to see greater commitment from the council and the Police in particular.
- 4.2. Whilst no firm decisions are proposed as part of this paper, in principle would the Committee consider endorsing proposals for the council and partners to explore innovations in approach and policy such as the following?:
- Draw in and coordinate support from voluntary schemes such as Drinkaware Crew and Street Pastors.

- Provision of training to licensing premises on how to deal with certain potential dangerous or damaging situations e.g. major security incidents, identifying and managing vulnerability through intoxication, drugs or other factors.
- Reform the approach to identifying problem premises and tasking by using a wider range of factors than purely crime data.
- An enhanced compliance support offer which enables premises to proactively address issues in partnership with authorities and avoids the need for expensive enforcement action.
- Work with the industry to trial new approaches to promoting the responsible night time economy which will inform future policy development.
- A balanced approach to enforcement and remedial action which takes into account how a premises dealt with a situation such as a highly intoxicated and vulnerable individual as evidence of good practice.
- Flexibility and exemptions for compliant premises in the event of any future implementation of the Late Night Levy.
- Support for place marketing relating to the responsible offer of the West End based on the positive actions taken by supportive premises.

4.3. Any decision to implement any of the above proposals would be subject to the normal decision making processes including, where appropriate, the Licensing Committee.

4.4. It is also worth noting that the industry have also noted that the term 'Standard' is potentially unhelpful and does not communicate either the voluntary nature or partnership approach that is desired. As such, it is suggested that this piece of work is rebranded as part of the ongoing engagement with business with an interim title of the "Licensing Charter".

5. Local Alcohol Action Areas (LAAAs)

5.1. The Home Office has launched phase 2 of its Local Alcohol Action Area (LAAA) programme which aims to prevent alcohol-related crime and disorder, reduce alcohol-related health harms and generate economic growth by creating a vibrant and diverse night time economy.

5.2. Phase one ran between February 2014 and March 2015 across 20 areas of England and Wales. Phase two will involve up to 40 areas, will last for up to two years and will aim to tackle the following five core challenges:

- i. How can local areas improve the collection, sharing and use of data between A&E Departments, local authorities and the police?
- ii. How can local authorities, the police and businesses ensure the safe movement of people in the night time economy, including situation where offenders are targeting vulnerable people?
- iii. How can local areas expand their use of safe spaces?
- iv. How can local authorities, the police and business work together to help prevent the sale of alcohol to drunks in both the off- and on-trades?

- v. How can local authorities, the police and business work together to help design out crime?
- 5.3. The Council has submitted a bid to address the second and third challenges in the LAAA programme broadly based on the Licensing Standard proposal outlined above.
- 5.4. The programme also has three core aims:
- i. Preventing alcohol-related crime and disorder;
 - ii. Reducing alcohol-related health harms; and
 - iii. Generating economic growth by creating a vibrant and diverse night time economy.
- 5.5. The Council's bid proposed a focus on the first and third aims, although it was noted as part of the submission that success would probably also involve a reduction of health harms and, although not a core aim of the project, this would be monitored.
- 5.6. Applicants were asked to identify local solutions to locally identified problems, put in place plans and strategies to tackle those problems and monitor their effectiveness. Successful areas will benefit from access to expertise in central government, mentoring and learning from other areas involved or previously involved as well as access to independent initiatives such as Pubwatch, Street Pastors and Purple Flag.
- 5.7. The support available from the Home Office does not include funding but offers the opportunity to promote our initiative and secure continued engagement with the Home Office on strategic issues relating to licensing policy.

6. Financial Implications

- 6.1. There are no financial implications as a result of this report.

7. Legal Implications

- 7.1. There are no legal implications as a result of this report as the proposed Licensing Standard/Charter falls outside of the core legal obligations associated with the Licensing Act 2003.

8. Staffing Implications

- 8.1. There are no staffing implications as a result of this report.

9. Reason for Decision

- 9.1. The proposals and issues set out in this report contribute to the delivery of a key City For All commitments and are based on discussions and engagement with partners since that commitment was made in March 2016.

10. If you have any queries about this report or wish to inspect one of the background papers please contact Richard Cressey on 020 7641 3403 or via email rcressey@westminster.gov.uk.