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City of Westminster

Committee Agenda

Title:	**Licensing Committee**
Meeting Date:	**Wednesday 28th November, 2018**
Time:	**10.00 am**
Venue:	**Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**
Members:	**Councillors:** Angela Harvey (Chairman) Heather Acton Rita Begum Susie Burbridge Melvyn Caplan Peter Freeman Murad Gassanly Jim Glen Louise Hyams Aicha Less Tim Mitchell Karen Scarborough Shamim Talukder Aziz Toki Jacqui Wilkinson

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, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@westminster.gov.uk Tel: 020 7641 2783
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)

1.	**MEMBERSHIP** To report any changes to the membership	
2.	**DECLARATION OF INTEREST** To receive declarations by Members and Officers of any personal or prejudicial interest in matters on this agenda.	
3.	**MINUTES** To sign the minutes of the previous meeting held on Wednesday 04 July 2018	**(Pages 5 - 14)**
4.	**MARKETS STRATEGY PUBLIC CONSULTATION RESULTS AND NEXT STEPS** Presentation by Greg Ward, Director of Economic Development and Catherine Brice, Head of Westminster Markets.	**(Pages 15 - 62)**
5.	**PROPOSALS FOR A NEW STREET TRADING FEE AND CHARGES STRUCTURE FOLLOWING PUBLIC CONSULTATION.** Report of the Director of Public Protection and Licensing.	**(Pages 63 - 84)**
6.	**STREET ENTERTAINMENT ENGAGEMENT AND CONSULTATION** Report of the Director of Public Protection and Licensing.	**(Pages 85 - 92)**
7.	**ANIMAL WELFARE (LICENSING OF ANIMALS) REGULATONS 2018 - UPDATE ON NEW LICENSING REGIME** Report of the Director of Public Protection and Licensing.	**(Pages 93 - 98)**
8.	**CITIZENS ADVICE BUREAU LICENSING ADVICE SERVICE - UPDATE ON PROMOTION**	

Verbal Update, Director of Public Protection and Licensing.

9.	**INCLUSION IN THE EVENING AND NIGHT TIME ECONOMY, SCRUTINY TASK GROUP PROGRAMME UPDATE** Report of the Director of Policy, Performance & Communications	**(Pages 99 - 104)**
10.	**NOTTING HILL CARNIVAL UPDATE** Report of the Director of Public Protection and Licensing.	**(Pages 105 - 110)**
11.	**LICENSING APPEALS** Report of the Director of Law.	**(Pages 111 - 116)**
12.	**GAMBLING POLICY ENGAGEMENT AND CONSULTATION UPDATE** Report of the Director of Policy, Performance & Communications	**(Pages 117 - 120)**
13.	**ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**	
14.	**FUTURE LICENSING COMMITTEE MEETING DATES** Next Meeting Wednesday 20 March 2019	

Stuart Love
Chief Executive
20 November 2018

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CITY OF WESTMINSTER

MINUTES

Licensing Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Wednesday 4th July 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Angela Harvey (Chair), Susie Burbridge, Melvyn Caplan, Murad Gassanly, Jim Glen, Louise Hyams, Aicha Less, Tim Mitchell, Karen Scarborough, Shamim Talukder, Aziz Toki, and Jacqui Wilkinson

Officers present: Greg Ward Director of Economic Development, Annette Acik Head of Licensing, Heidi Titcombe Principal Solicitor, Kerry Simpkin Licensing Policy & Strategy Manager, Horatio Chance Senior Solicitor, Sara Sutton Director Public Protection & Licensing, Kisi Smith-Charlemagne, Senior Committee & Governance Office, Ros Hick, Licensing Team Manager, David Sycamore, Licensing Team Manager

Apologies for Absence: Councillors Heather Acton, Rita Begum and Peter Freeman, Ezra Wallace, Head of City Policy & Strategy, Barry Panto, Senior Solicitor.

The Chair welcomed all to this the first Licensing Committee meeting of the new Council.

1 DECLARATIONS OF INTEREST

1.1 There were no declarations of interest.

2 MINUTES

2.1 The matters raised in relation to the minutes included the following:

- The Chair raised queries submitted by Councillor Acton, regarding progress of the Nightsafe Project and the two NHS buildings in Soho Square that were under consideration (page 2). Mr Kerry Simpkin, Interim Licensing Policy & Strategy Manager, responded to the query advising that progress had been made regarding the Nightsafe project. Volunteering positions are currently being advertised and officers are also completing a training programme for volunteer staff. Regarding

the NHS, Mr Simpkin advised that engagement is ongoing, however a meeting with the NHS has not yet been organised.

- The Chair updated the Committee on the London Mayor's Night Time Commission, advising that a new Chair and Deputy Chair had been appointed, both from drink industries (retailer and DrinkAware). The Chair had participated in a meeting of the Commission earlier that week where the evening and night time economy of London from 6pm-6am was discussed, more widely than just the Night Time Economy (NTE).(Page 3)

- The Chair raised a query re Gambling policy regarding 5.3 (page 5) meeting with Public Health representatives. Ms Sutton responded confirming that there had been a number of meetings held with Public Health and a further meeting is planned for the following week relating to joint working opportunities. Ms Sutton advised that a work programme is being developed, identifying joint commissioning opportunities.

- The Chair asked about film classifications 7.8 (page 8) for a subsequent committee meeting. Ms Acik, responded, advising the Committee that there had been a delay in finalising this work and that an update will come to the Committee in November. Ms Acik agreed to provide an interim update in the next few weeks, in advance of the London Film Festival.

2.2 **RESOLVED:** That the minutes of the Licensing Committee meeting held on Wednesday 21 March 2018 be signed by the Chair as a correct record of proceedings.

3 ANNUAL PERFORMANCE OF THE CITIZENS ADVICE BUREAU LICENSING PROJECT

3.1 The Committee was given a presentation on the annual performance of the Citizens Advice Bureau Licensing Project, by Mr Richard Brown, CAB Project Officer. The Westminster Citizen Advice Bureau Licensing Project, paid for by the City Council, was established in 2005 in response to the implementation of the Licensing Act 2003 with the intention to provide an independent and expert advice, assistance, and representation service, free of charge to all Westminster residents and local businesses, in respect of their rights and responsibilities as potential "interested parties" at licensing sub-committees under the Licensing Act 2003, the gambling Act 2005, and Sex Establishments.

3.2 The matters raised in relation to the report included the following:

3.3 The Chair and members of the Licensing Committee thanked Mr Brown for his effective work. The Chair made enquiries regarding Mr Brown's opinion on democratic openness, especially regarding the withdrawal of premises plans from public electronic search. Mr Brown advised that the public were very

concerned about this aspect as accordingly representations would be constrained. Ms Acik, advised that plans will be made available again.

3.4 Councillor Gassanly thanked Mr Brown for his service and excellent work. He asked that information regarding the CAB Licensing Project should be prominently displayed on the Council's website and felt that this would really help residents in making representations. The Chair suggested adding something in the WIB to inform other ward councillors of the available service.

3.5 Councillor Caplan enquired to the number of residents who sought help after deadlines had closed. He also asked if there was anything else that members could do to publicise the service. Mr Brown advised that he does not have many residents who come to him missing deadlines. However, residents often contact him 2 or 3 days before the hearing, by which time it is difficult to get things in order.

3.6 Councillor Scarborough also thanked Mr Brown and sought guidance on what specific support was needed from the Council. Mr Brown advised that he has confidence in the work the Licensing Committee members do, allowing residents to be a part of the process and a chance to have their say. Mr Brown did not have any specific comments on what additional support the Council could provide.

3.7 Councillor Gassanly advised the Committee that the Council Website is currently being reviewed and requested feedback from the Committee and Mr Brown on how the Council could best promote the project. Councillor Gassanly specifically mentioned the uniqueness of the project and finding a way to promote it. Ms Acik advised the Committee that she had recently become aware of two residents who contacted the Licensing team to make a representation after the deadline. The Licensing Team are taking the opportunity to review how clear and simple the website messages and instructions are.

3.8 **RESOLVED:** That the report was noted by the Committee.

4 GAMBLING POLICY DEVELOPMENT

4.1 The Committee received a report introduced by Mr Kerry Simpkin Interim Licensing Policy and Strategy Manager. The report considered the Council's approach to the development of the Council's new Statement of Gambling Principles (gambling policy) under the Gambling Act 2005 ahead of the public consultation in August and September. This included a draft proposal to introduce a formalised voluntary approach for operators to promote engagement with the local community before submitting a formal application to the council.

4.2 Mr Simpkin advised the Committee that there are three key areas within the report. First, the service had carried out research relating to vulnerable residents in 2015/16, which has been updated and transferred into index

maps. Mr Simpkin advised the Committee that the maps highlight areas that have changed over the last three years and areas which will require further monitoring. The second area raised by Mr Simpkin was the Community Impact Assessment processes, which is an opportunity for operators to engage with residents much earlier in the process to hear their views and adapt the process if necessary. Mr Simpkin advised the Committee that the third matter for consideration, is the approach identified for consultation as set out in the report, which will be from July-September and seek formal approval for the policy at Full Council in November.

4.3 The Chair welcomed the report and thanked Mr Simpkin and colleagues for work lobbying the government for change on maximum bets for Fixed Odd Betting Terminals (FOBT). The Chair sought clarification regarding the timeline for completing this work. Mr Simpkin advised that the Government's timeline had now changed and will not take effect until 2020, under the terms of a deal with the Treasury. The Chair queried the groups within the dataset and Mr Simpkins confirmed the figures represent the National Statistics for that area.

4.4 Ms Acik advised that the proposal to postpone the policy implementation until 2020 was announced in the last week. Ms Acik felt that discussions needed to be had, in terms of agreeing what the Council's position would be and whether further lobbying would take place, in an attempt to bring that date forward. The Chair sought the Committee's views and the Committee agreed that lobbying should occur to bring forward the implementation date.

4.5 Councillor Burbridge sought clarification on the acronyms for Gambling terminology and asked if this could be simplified. Councillor Burbridge also queried how officers could be sure of the numbers of residents living with mental health issues, living in City West Homes. Mr Simpkins responded to the query advising that information had been gathered through partners such as Public Health and Housing, GP referrals and NHS data. Councillor Burbridge felt that for specific data, officers should liaise directly with the Mental Health Assessment Team. The Chair requested that officers review current data sources and a briefing note be circulated to Committee Members.

4.6 Committee discussed the proposed timeframe for public consultation and the workshops organised for August. As many people will be away in August it was proposed this should be carried out in September.

4.7 Councillor Caplan advised that the Committee should not be moved on its policy and that it was very important that the Committee sends a strong message. Councillor Caplan also suggested that the Committee should take into account in their deliberations online gambling. Councillor Caplan advised the Committee that it would need to take care, and that by addressing the betting shops on the high streets, may drive the issue to unregulated sites online. Mr Simpkins advised the Committee the Council are only responsible for premises-based regulatory element, however one of the things that the Council can do is set out its concerns regarding online gambling within the policy.

4.8 The Chair asked how Officers engage with the online gambling industry. Mr Simpkin advised that WCC does not have a relationship with the online gambling industry and the policy is limited in terms of what the Council can and can't specify in terms of gambling regulations. Councillor Hyams advised that online gambling adverts are everywhere and this should be a part of the Council's policy. The Chair summarised that this should go back to the Cabinet Member as there appears to be is very strong support for this.

4.9 Councillor Wilkinson raised a query relating to the Community Impact Assessments as she felt that they do not address the impact of the proposals. She also queried the non-statutory requirement for applicants to carry these out and how the council may convince the applicant to complete such. Mr Simpkin responded to the queries advising that the impact had not been presented in the report as well as it could have been. The benefits for the operator will be in developing relationships with residents.

4.10 The Chair summarised that the Council should look more widely at advanced strands, such as education and social care. The Committee asks the Cabinet Member to review the policy.

4.11 **RESOLVED:** That further developments in terms of the Gambling Policy be reported to the Committee.

5 STREET TRADING/MARKET FEES REPORT

5.1 The chair noted that the West End Street Traders Association (WESTA) were in the public gallery, and that questions they had submitted in advance had been circulated to members.

5.2

Mr Greg Ward, Director of Economy, gave a presentation on the Westminster Markets Strategy. Detailing the scope of the consultation, its main aims and principles and the time lines involved. Ms Acik introduced a report on the Markets Fee and Charges review, which will be included in the market strategy public consultation

- Ms Acik explained that the fees and charges review will only consider recovery of costs associated with dealing with applications (the Application Fee) and costs associated with cleansing, waste collection and costs of administration and enforcement of the provisions of the Act (the Daily Charge). Proposals represent cost recovery only and costs shown at Appendix G of the report represent annual costs in 17/18.

- Ms Acik explained that the City of Westminster Act (Section 22) allows the council to recover these costs and all options proposed are based solely on these costs as defined in the Act.

- The market strategy consultation will also scope ideas for other discretionary services that traders may find beneficial which could

include for example, improved facilities, public realm or promotional activities.

- Under the City of Westminster Act, should the majority of traders on a market wish an additional discretionary service to be provided, this can be facilitated by the council. There is the potential for sponsors and partners to fund investment in the services traders want and need.

- Ms Acik explained that Westminster has one of the lowest cost, market-trading pitches in London – currently £10.61 Monday to Thursday, £18.16 Friday and £24.40 Saturday.

- The current fees and charges have not increased since 2006 and there is a deficit on the street trading account; Ms Acik explained that the council is currently subsidising the costs of Westminster's markets by £300,000 a year, which is not sustainable, and that fees and charges proposed do not seek to recover this deficit, as it is recognised that this would place significant financial pressure on existing traders.

- Ms Acik explained that the options put forward aim to provide a simple fee and charges model that will achieve cost recovery fairly across all traders, encourage local and new enterprise and demonstrate commitment to our local residents, Proposals include concessions on application fees, with a proposal for a 50% discount for start-up businesses (< 12 months registered at Companies House or self-employed with evidence provided) and 20% reduction for WCC residents, with the concession capped at 50%.

- Impact on traders had been considered and Ms Acik directed members to the appendices of the report which provided examples of typical trading patterns and impact.

- Ms Acik sought the Committee's approval, to undertake statutory consultation on a revised set of fees for the application for a licence for street trading on market pitches in Westminster, and the charges applied for each day that the licence is in force. Ms Acik advised the Committee that the proposed fees and charges will enable the Council to recover its costs in managing and administering the Street Trading licence regime on markets across the City.

- If approved it was proposed that consultation on the market strategy and fees and charges shall run between 6th July – 29th October. Technical surgeries are planned in July for traders to discuss their individual circumstances with members of the Licensing Service.

- Following the full consultation period, the proposed fees and charges will be brought to the November Licensing Committee for reconsideration and if appropriate approval.

5.3 The Chair welcomed the presentations and asked if Mr Ward had considered enticing the fashion and art colleges to take stalls, especially during London Fashion week as an example. The Chair felt that the Council should be giving the colleges an opportunity to display their work. The Chair also raised a question of a sustainability discount, advising that stall holders using non environmental friendly materials (e.g. polystyrene) or hot food stalls where oil is poured down drains and the cleaning up after hot food stalls. The Chair felt that the council may need to consider the environmental impact when considering setting fees.

5.4 Councillor Mitchell raised the issue of tension between local residents and hot food stall holders, as residents have had to keep doors and windows closed due to smells. Councillor Mitchell welcomed the bespoke approach supporting the individuality of each of the WCC markets and was interested in the number of Westminster residents that held pitch licences. He welcomed the fee structure and queried why there had been no fee increases since 2006. Councillor Mitchell suggested that differences such as different areas, types of markets and types of stalls, such as hot foods, should all be considered as part of the consultation. He wished to know if the presentation related to isolated street trading pitches as well. Ms Acik confirmed that the consultation and fee and charges review related to street trading pitches on markets and that isolated pitches were not included.

5.5 The Chair requested information on the City of Westminster Act and fee charges in comparison to other councils. Mr Ward advised the Committee that the key element to the Act is the restriction on pitch use, cleaning, licensing and the general day to day running of the markets. Mr Ward advised that the council had to work within the scope of the Act and there is nothing that conflicts with the Act. Mr Ward advised the Committee that fees are significantly higher elsewhere, e.g. Edinburgh at £80 per day and that Westminster's fees were some of the lowest in the UK

5.6 Councillor Toki made inquiries as to the surrender of a number of licences from Church Street market. Ms Hick, Licensing Team Manager responded, advising that she was aware and was looking into the pressures due to current works in Church Street Market. Councillor Caplan felt that the report did not cover Farmer's markets and private markets, and made suggestions regarding the consultation focusing on the whole WCC economy, before coming back to the Committee in November. Councillor Hyams felt that the Council should be encouraging more people to come to the area and visit WCC markets, especially because high streets are struggling. Councillor Hyams also felt that there was more work the Council could do encouraging start-up businesses to become pitch holders

5.7 Councillor Less made inquiries regarding pitch holders who do not turn up and the process for dealing with such incidences. Ms Hick advised that for one off incidences, if the pitch holder informs the Council in advance, then the Council can issue a temporary pitch licence to someone on the waiting list. Ms Hick advised that if this is an ongoing issue then enforcement action would take

place. The Committee felt that more could be done to ensure that temporary pitches are advertised early, so that opportunities are not lost.

5.8 Councillor Gassanly asked about the deficit and how this had been dealt with. Ms Acik advised that accounts had been adjusted and deficit had been absorbed by the Council. Councillor Burbridge enquired to the number of current pitch holders who were in debt to the Council. Ms Acik advised it was a small number, and that officers monitor payments regularly. Councillor Wilkinson enquired about the procedure for stall holders when there is bad weather and was informed that if there is bad weather, stall holders do not have to set up; the decision is made by the stall holder.

5.9 The Chair advised that some of the questions posed by West End Street Traders Association (WESTA) has been addressed and Ms Acik would respond to WESTA directly.

5.10 **RESOLVED:** The Committee felt that the consultation should be wider and include areas as detailed in discussions, before coming back to the Committee in November.

(I) The Committee agreed the recommendations and requested that Mr Greg Ward also attend the Licensing Committee meeting in November.

6 GENERAL LICENSING FEE REVIEW

6.1 The item was introduced by Mr Kerry Simpkin and set out the General Fee Strategy for the licensing regimes, and where the authority can set a fee to attempt to recover its own costs. The Licensing Service brought forward this year's fee review so that it would align with the dates of the corporate approach to setting fees and charges. The Committee agreed the recommendations to bring the fee review report and proposed fees to the Licensing Committee in July each year going forward.

6.2 Councillor Gassanly advised that he welcomed the report and was happy that this was the second year in a row that fees had not been raised. Councillor Gassanly enquired to the licensing of dog breeders, specifically with the media coverage regarding breeder's breaking the law. Councillor Gassanly wanted to know if there were any breeders like this in WCC. Mr Simpkin advised that there are no licensed breeders in WCC, however Officers are aware of a number of online advertisement located in WCC and there is work currently underway with the city inspectors to address this with enforcement action.

6.3 **RESOLVED:** The Committee agreed the recommendations to bring the fee review report and proposed fees to the Licensing Committee in July each year going forward.

7 NOTTING HILL CARNIVAL UPDATE

7.1 The Committee received an update report from David Sycamore, Licensing Manager on the licensing approach to the Notting Hill Carnival for 2018. The Licensing Service updated the Committee on its involvement with this year's Carnival planning meetings which included all the key stakeholders involved in delivery of a successful and safe event.

7.2 The Committee felt that the report was positive and made enquiries regarding the approach of RBKC.

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

8 LICENSING APPEALS

8.1 Heidi Titcombe, Principal Solicitor, Shared Legal Services provided an update on licensing appeals since the March meeting of the Committee. She confirmed that Shared Legal Services had been handling seven appeals and Hemmings case on the Council's behalf during this time. Ms Titcombe confirmed that Belgrave Square Gardens had withdrawn its appeal and the Council recovered its costs.

8.2 The Chair welcomed the report and thanked the Licensing team for their work, both Councillors and Officers. Councillor Caplan queried the date of when Windmill need to apply for their new annual licences; David Sycamore confirmed that this date was 30th September, close to the appeal date.

8.3 **RESOLVED:** That the contents of the report be noted with thanks.

9 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

9.1 There was no urgent business.

10 FUTURE LICENSING COMMITTEE MEETING DATES

10.1 It was noted that the next meetings of the Licensing Committee would be held on Wednesday 28 November 2018 and 20 March 2019. All meetings are scheduled for 10.00am.

The Meeting ended at 11.40am

CHAIRMAN: _____ **DATE** _____

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Street Markets Consultation: Consultation Response Report

Evaluation and Performance Team

City of Westminster

Date: November 19, 2018

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1. Introduction

This report summarises the responses to an extensive public consultation on a draft strategy for Westminster City Council's six street markets and a review of fees and charges.

Within the City of Westminster there are eight regular street markets with approximately 300 pitches located across three areas operating Monday to Saturday. Markets are facing unprecedented change on many fronts and in London at a faster pace than elsewhere.

The forthcoming strategy will provide a strong framework for markets with a focus on a local approach in each location.

This strategy aims to ensure that markets:

a) Have a distinctive character which reinforces their history, independence and authenticity and celebrates what people love about their neighbourhoods
b) Act as a social hub offering an opportunity to meet people and build community spirit, a place to buy and sell goods
c) Expand their offer in relation to the products sold, offering a wider selection of goods with regular new products and events to keep customers coming back
d) Further develop links with incubator spaces, for training partnerships as well as enterprise programmes to give new businesses a test platform for trading
e) Offer a space for local people to access in-season food as part of their daily and/or weekly shop at an affordable price
f) Build towards a sustainable existence by addressing areas including biodegradable packaging, increased recycling, reduced plastic and reusable energy
g) Operate a street trading licencing approach which aligns to a clear market strategy and is compliant with the City of Westminster Act
h) Are resilient to change where there are regeneration programmes or area changes that may impact the market location.

The aims of the public consultation were to understand:

- What is important to customers from the opening hours, to items sold
- How residents use the markets and how we can support more of them to become traders
- What additional facilities and support traders may need to improve their trading conditions and increase income
- Which of the fees and charges increases proposed were preferred by the traders
- Views across neighbourhoods based on the themes of: business support, marketing and promotion, enforcement and regulation (fees and charges, traders only), products sold, sustainability and stakeholder engagement (involving residents with their markets) to understand views on the suggestions contained in the draft strategy.

The consultation excluded isolated pitch sites (including kiosks) and farmers' markets in the borough although views were included in the consultation where they arose from these groups.

The street markets covered by the consultation are listed below:

- Berwick Street
- Church Street
- Maida Hill

- Rupert Street
- Strutton Ground
- Tachbrook Street

2. Executive Summary

The public consultation on street markets opened on 6 August and ran for 12 weeks until 29 October. The council chose a consultation period of 12 weeks to enable a broad range of views to be gathered. The 12 week duration allowed for those who may have been away in August to take part during September and October.

The consultation communications programme covered online, print and face-to-face channels to encourage maximum participation from different groups. Prior to this, a number of pre-consultation events took place with traders to ensure they were aware of the impending fees and charges review and how they could give their views.

Approval to run a statutory consultation on the proposals to change market fees and charges was given by Westminster City Council's Licencing Committee on 4 July 2018.

2.1 Communications Programme

In order to widely publicise the consultation, a range of online and offline communications channels were used.

These included:

- Consultation brochure
- Letters to traders (hand delivered)
- Emails to traders
- Emails to residents' groups, housing associations and an extensive list of stakeholders around each market
- Posters and flyers
- Content in council e-newsletters sent to residents and businesses
- Trader surgeries at each market
- Drop-in sessions at each market
- Pull up banners to promote drop-in sessions on the day they took place
- Media / press programme
- Promotion on social media

Consultation brochure

This provided a summary of the draft strategy. Printed copies were distributed to libraries, community centres, provided at the drop-in sessions and on request, while online versions were shared widely via the Open Forum website, social media and council e-newsletters.

Materials

A full list of printed consultation material is detailed below:

- Consultation brochure
- Poster with dates and times for drop-in sessions and survey link
- Flyer with dates and times for drop-in sessions and survey link
- Questionnaire

Website

All information about the consultation was hosted on the Open Forum website. This site hosts all Westminster City Council's consultations.

All of the above printed material was also made available in libraries, community centres and at the drop-in sessions.

2.2 Consultation Programme

The consultation programme covered both online, printed and face-to face channels in order to encourage a broad range of responses from different groups including market traders, local residents, local workers, visitors to the market, business owners/representatives and organisations such as Residents Associations and Amenity groups.

Early Engagement

Before the consultation began, Westminster City Council undertook a number of trader surgeries to ensure traders knew that the fees and charges review was taking place and how they could get involved. This also helped the Cabinet Member and Licensing Teams to understand traders' circumstances and how the increases may affect them.

Consultation Questionnaire

The consultation questionnaire consisted of mainly closed questions in order to understand agreement/disagreement with the ideas contained in the draft strategy for markets. Closed questions used a scale from strongly agree to strongly disagree. There was an opportunity for open comments on the plans within the survey.

Survey themes included:

- Support with starting a market stall or increasing income
- How customers use our markets
- Involving residents with their local market
- Goods for sale
- Operational and regulatory issues (Traders survey only)
- Ensuring our markets reduce their impact on the environment

The consultation questionnaire was accessible online via the Open Forum website and other pages on the council website. Additionally, paper copies of the questionnaire were made available at all drop-in sessions, in libraries, community centres and on the street for traders when needed. They could also be requested by phone as and when needed. Completed hard copies could be returned to Westminster City Council via Freepost or could be handed in at one of the drop-ins. The consultation brochure and questionnaire could also be requested in other languages and large print.

The questionnaire website link was included on the consultation brochure, posters and flyers distributed close to each market and in online newsletters as well as on social media throughout the consultation.

On-Street Survey

As well as hosting the survey online and having paper copies available, the council employed a fieldwork agency to collect survey responses in and around the markets - with customers and others passing by.

Email and Phone Number

A dedicated email address (marketsconsultation@westminster.gov.uk) and phone number were provided to allow members of the public to request paper copies of the questionnaire, ask questions and put forward their views and comments.

Drop-In Sessions

Five drop-in sessions were held during the consultation period. A range of materials were displayed at each session, including banners, copies of the draft strategy, a range of exercises for respondents to take part in on flip charts – such as offering comments or voting for idea and plans, copies of the consultation brochure and questionnaire. Additionally, council officers from Licensing, Markets and Economy were on hand to discuss the proposals, address concerns, answer questions and receive feedback from attendees. The dates and locations of these drop-ins are detailed below:

Strutton Ground	Maida Hill	Church Street	Tachbrook Street	Berwick Street and Rupert Street
Wednesday 12 September	Wednesday 19 September	Tuesday 2 October	Tuesday 9 October	Tuesday 16 October
11am to 7pm	11am to 7pm	10.30am to 6.30pm	11am to 7pm	11am to 7pm
The Abbey Centre, SW1P 3BU	The Yaa Centre, W9 2AN	Church Street Library, NW8 8EU	St James the Less Church, SW1V 2PS	Soho Centre, Westminster Kingsway College, W1F 0HS

Other meetings

In addition to these drop-ins, during the creation of the draft strategy (for consultation) meetings took place with several organisations and individuals to learn from best practice in other locations including market operators, retail specialists, enterprise programme providers, market associations and other local authorities.

2.3 Consultation Response

A broad range of responses were received across different audiences and mainly via the consultation questionnaire – which was hosted online, as well as taking place on-street at the markets. Paper copies of the questionnaire were also available on request.

- There were 838 responses to the consultation survey – 339 via the online and paper survey and 499 on-street surveys.
- Around 60 people attended the drop-in sessions
- 73 licensed traders responded to the survey, along with 35 market workers and casual traders.
- Of the non-trader responses, 210 have commented on Tachbrook Street, 173 on Church Street, 140 on Strutton Ground, 127 on Berwick Street, 108 on Maida Hill and 95 on Rupert Street.
- The largest proportion of responses have come from residents (335), followed by workers (264), regular visitors to the area (126), business owners/representatives (22),five organisation /stakeholder groups and 25 other respondents.

The consultation was not designed to be a representative questionnaire of the local population. However, as the council received over 800 responses to the consultation questionnaire, we are confident we have captured all the major issues which need to be considered in relation to the Street Markets Strategy.

In addition, responses were also received via the following channels:

Email responses

11 emails were received during the consultation to the market's consultation inbox, from a mixture of residents, traders and stakeholders.

Drop-ins attendance

Around 60 people attended the five drop-in sessions held during the consultation period.

2.4 Analysis Methodology

Some of the questions in the consultation questionnaire allowed the respondent to tick multiple answers. Therefore, in some of the analysis the sum of the response to a question may be higher than 100%. In other cases, the total response to a single answer question may add up to slightly over 100% due to rounding of decimal points. Questions are based on the total number of respondents per question, as not all respondents answered every question.

All the open ended questions in the consultation questionnaire were coded into themes to allow the responses to be quantified. This encompassed reading every response to these questions and creation of a code frame.

2.5 Key Findings from the Consultation Questionnaire

Non-traders

Reponses to the survey have generally be fairly positive, with a majority of non-trader respondents agreeing with the various proposals and plans for markets.

There is strong support for:

- Sustainability - the vast majority of respondents want to see reduced plastic and packaging (87%) and more recycling facilities (82%)
- More opportunities for young people in Westminster to trade at markets - four in five (80%) agree that they would like to see this
- Local community having more input into the market(s) - 79% agree
- Three quarters (75%) would like to find to more about markets online or via social media and the same proportion would like the markets to be promoted more at Christmas and during other national holiday periods
- Around three quarters (73%) would like there to be more seating at the markets

Traders

Traders were asked a number of questions about the markets – some of which were also asked of non-traders. All fees and charges data is excluded from these findings and can be found in the Licensing Committee Markets Fee Post Consultation Report.

There is strong support for:

- Sustainability of the markets is important to traders with the vast majority wanting to see reduced plastic and packaging (84%) and more recycling facilities (82%)
- Around three quarters (77%) would like there to be more seating at the markets
- The local community having more input into the market(s) – 77%
- The markets playing a bigger role in the community – 74%

There is also support for:

- More opportunities for young people in Westminster to trade at markets – 69%
- Preference being given to first time traders and residents in Westminster – 66%

Qualitative Feedback

Included in the survey and during the drop-in sessions, respondents were able to offer open comments about the markets. Below are some of the common themes which came up in the open comments.

- **Demand for varied produce and traders** - not just street food (e.g. butchers, fishmongers, antiques, specialist markets)
- **Issues with rubbish/litter in and around the markets** – including food left on the street to rot, slippery surfaces, smells and lack of cleaning up
- **Lack of facilities** – such as toilets, storage and electricity
- **Poor quality of goods** – some feel there are too many cheap/poor quality goods for sale, especially at Church Street

- **Lack of seating** – suggestions for covered and temporary seating were offered and also comments to make the markets more attractive to spend time at
- **Develop a sense of community** – suggestions include having community events and engaging local businesses and organisations in the markets, no gentrification of markets
- **Keep the markets affordable for traders** – mention of impact of regeneration works and supporting traders to keep their overheads down
- **Reducing anti-social behaviour** – especially around Maida Hill
- **General positive comments –** markets are an asset to the community, mix of backgrounds and culture.

2.6 Next steps

Post consultation, the next phase will look for approval of the changes to fees and charges and deliver a Markets Strategy.

Markets Strategy

The strategy will be published in March 2019 and will include:

- An overarching strategy to be implemented between 2019 and 2022 with projects continuing to be delivered before and after this period where there is both demand and funding. A strategy where common themes are in place across all markets.
- Local, tailored plans for each market as a collection of projects and business-as-usual activities, developed from specific feedback on each market and drop-in sessions with residents, businesses, customers and traders.

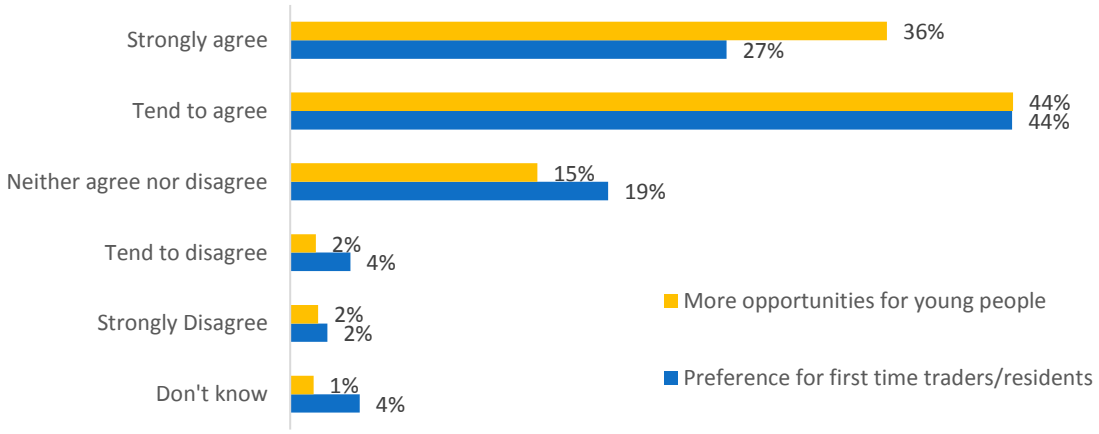
3. Questionnaire Response Analysis – Non Traders

This section details the response received to the consultation questionnaire among those who are not market traders. 717 responses were received from non-traders. Analysis is reported in the order of the questionnaire.

3.1 Support with starting a market stall or increasing income

Overall a majority of respondents agree (71%) they would like to see preference given to first time traders and residents in Westminster. Four in five agree (80%) they would like there to be more opportunities for young people to trade at markets.

Q. To what extent do you agree with the following statements about support for market traders?



Analysis by respondent type

Residents are slightly less likely to agree with these statements than workers and visitors.

Q. To what extent do you agree with the following statements about support for market traders? I would like to see preference given to first time traders and residents in Westminster.

	Total	Resident	Worker	Visitor
No. of responses	***708***	*331*	*264*	*121*
Strongly agree	**27%**	31%	21%	30%
Tend to agree	**44%**	37%	54%	43%
Neither agree nor disagree	**19%**	21%	17%	17%
Tend to disagree	**4%**	5%	3%	4%
Strongly disagree	**2%**	2%	2%	1%
Don't know/not applicable	**4%**	4%	3%	5%
Agree	**71%**	**67%**	**75%**	**73%**
Disagree	**6%**	**8%**	**5%**	**5%**

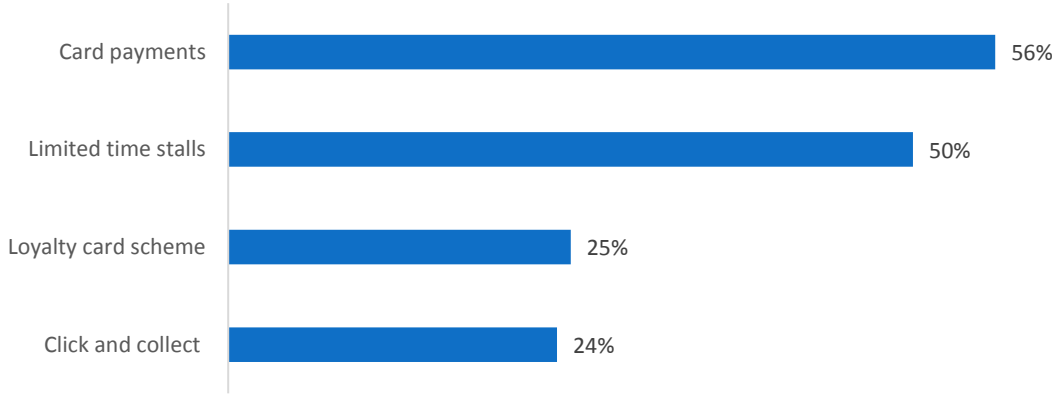
Q. I would like there to be more opportunities for young people in Westminster to trade at markets

	Total	Resident	Worker	Visitor
No. of responses	*705*	*328*	*264*	*121*
Strongly agree	36%	42%	32%	36%
Tend to agree	44%	36%	53%	43%
Neither agree nor disagree	15%	17%	12%	17%
Tend to disagree	2%	3%	1%	1%
Strongly disagree	2%	2%	0%	2%
Don't know/not applicable	2%	1%	1%	2%
Agree	**80%**	**77%**	**86%**	**79%**
Disagree	**3%**	**5%**	**2%**	**3%**

3.2 Customers using markets

Respondents were asked what might encourage them to use markets more frequently and also whether they think markets could be involved more in the community.

Q. Which if any of the following, would encourage you to visit markets more frequently? Please tick all that apply.



Analysis by respondent type

Across respondent types there is a fairly high proportion who feel that traders taking card payments would encourage them to visit the markets more frequently. There is also support for having stalls which operate for a limited time. Fewer respondents feel being able to order products for collection or having a loyalty card scheme would encourage them to use markets more.

Q. Which if any of the following, would encourage you to visit markets more frequently? Please tick all that apply.

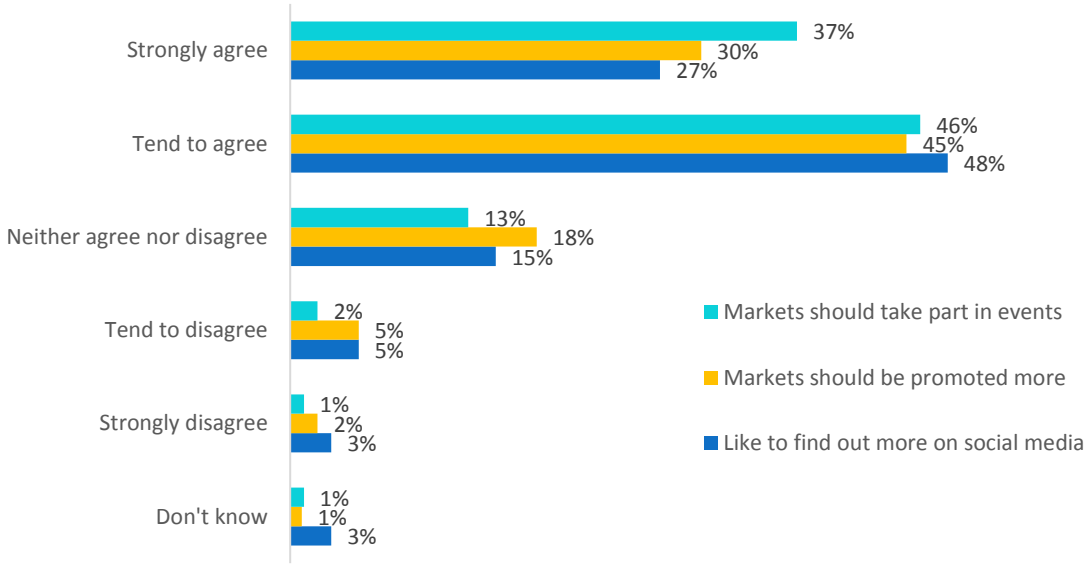
	Total	Resident	Worker	Visitor
No. of responses	*487*	*205*	*200*	*83*
If traders took card payments	56%	52%	61%	59%
If there were stalls which operated for a limited time – for example guest stalls, pop-up stalls, limited edition stalls or something you could only find at the market that week	50%	60%	46%	47%
If there was a loyalty card or points card system for the individual markets or across all Westminster markets	25%	26%	28%	29%
Being able to order products online from the market and collect it there	24%	31%	17%	27%

Respondents were asked their views on markets and social media and whether markets should be more involved in the community and other events happening through the year.

Three quarters of respondents (75%) feel they would like to hear more about the markets online or via social media and the same proportion would like markets to be promoted more during Christmas and other holiday periods.

Markets being more involved in events throughout the year, such as neighbourhood fayres, arts and cultural events is supported by a large majority of respondents (83%).

Q. To what extent do you agree or disagree with the following statements…



Analysis by respondent type

Among different groups, residents are slightly less likely to want to find out about markets on social media, with workers most supportive of this. Workers and visitors are most likely to want markets to be promoted at Christmas and take part in events throughout the year.

Q. To what extent do you agree or disagree with the following statements…Q. I would like to be able to find out more about the markets online or via social media

	Total	Resident	Worker	Visitor
No. of responses	*610*	*247*	*244*	*111*
Strongly agree	27%	29%	25%	31%
Tend to agree	48%	40%	57%	41%
Neither agree nor disagree	15%	19%	10%	18%
Tend to disagree	5%	5%	5%	5%
Strongly disagree	3%	5%	1%	2%
Don't know/not applicable	3%	3%	1%	3%
Agree	**75%**	**68%**	**82%**	**72%**
Disagree	**8%**	**10%**	**7%**	**7%**

Q. I think the markets should be promoted more at Christmas and during other national holiday periods

	Total	Resident	Worker	Visitor
No. of responses	*612*	*249*	*244*	*111*
Strongly agree	30%	33%	25%	33%
Tend to agree	45%	38%	53%	42%
Neither agree nor disagree	18%	20%	17%	16%
Tend to disagree	5%	6%	4%	5%
Strongly disagree	2%	2%	1%	3%
Don't know/not applicable	1%	0%	1%	0%
Agree	**75%**	**72%**	**78%**	**76%**
Disagree	**6%**	**8%**	**5%**	**8%**

Q. I think the markets should take part in events throughout the year, such as neighbourhood fayres, arts and cultural events

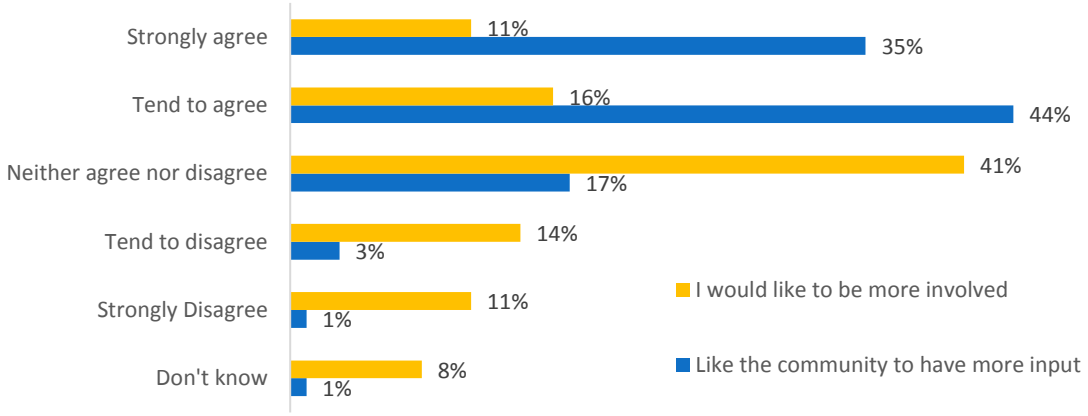
	Total	Resident	Worker	Visitor
No. of responses	*613*	*251*	*244*	*111*
Strongly agree	37%	41%	32%	41%
Tend to agree	46%	41%	51%	44%
Neither agree nor disagree	13%	13%	14%	12%
Tend to disagree	2%	4%	2%	3%
Strongly disagree	1%	1%	0%	0%
Don't know/not applicable	1%	0%	0%	0%
Agree	**83%**	**81%**	**84%**	**86%**
Disagree	**3%**	**5%**	**2%**	**3%**

3.3 Involving residents with their local market

Four in five respondents would like the local community to have more input into the markets, on areas such as goods for sale, opening hours and specialist days. This is highest among residents (84%).

With regard to personal involvement in the markets, two in five residents (38%) said they would like to be involved, this compares to around a quarter of all respondents (27%).

Q. I would like the local community to have more input into the market(s) in for example: what's sold, hours open, specialist days etc.



Analysis by respondent type

Q. I would like the local community to have more input into the market(s) in for example: what's sold, hours open, specialist days etc.

	Total	Resident	Worker	Visitor
No. of responses	*695*	*328*	*264*	*111*
Strongly agree	35%	45%	22%	32%
Tend to agree	44%	39%	52%	48%
Neither agree nor disagree	17%	13%	22%	15%
Tend to disagree	3%	2%	3%	2%
Strongly disagree	1%	1%	0%	0%
Don't know/not applicable	1%	1%	0%	4%
Agree	**79%**	**84%**	**74%**	**79%**
Disagree	**3%**	**2%**	**3%**	**2%**

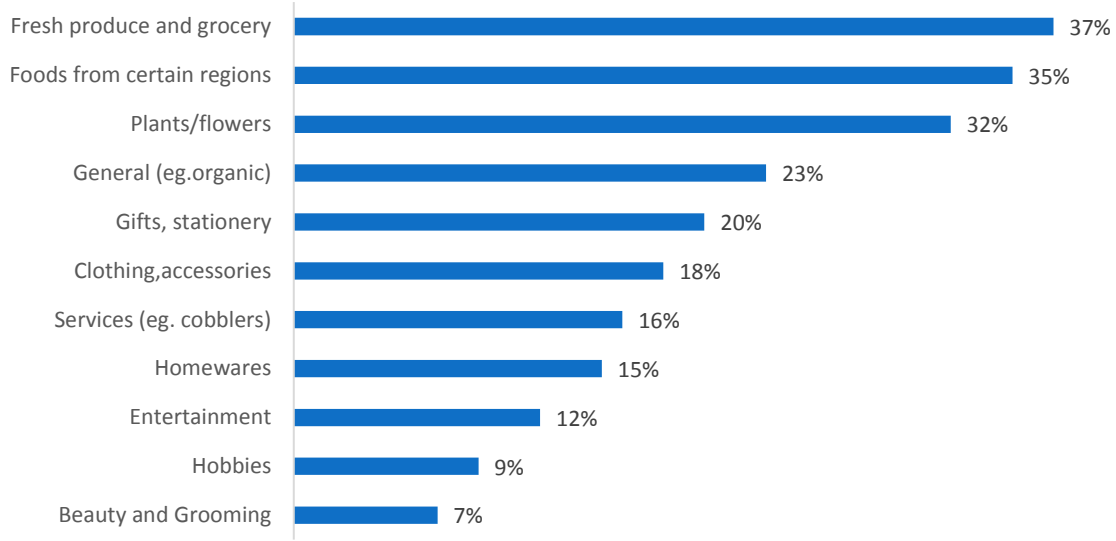
Q. I would like to be more involved in the future of the market(s)

	Total	Resident	Worker	Visitor
No. of responses	*691*	*324*	*264*	*109*
Strongly agree	11%	17%	7%	7%
Tend to agree	16%	21%	14%	12%
Neither agree nor disagree	41%	38%	46%	41%
Tend to disagree	14%	10%	16%	17%
Strongly disagree	11%	7%	11%	18%
Don't know/not applicable	8%	8%	5%	5%
Agree	**27%**	**38%**	**21%**	**19%**
Disagree	**25%**	**16%**	**28%**	**35%**

3.4 Goods for sale

Respondents were asked what goods they would like to see for sale at markets. The most popular choices were; fresh produce and grocery, foods from certain regions or countries and plants and flowers.

Q. What, if any, goods would you like to see at the markets which are not available at the moment?



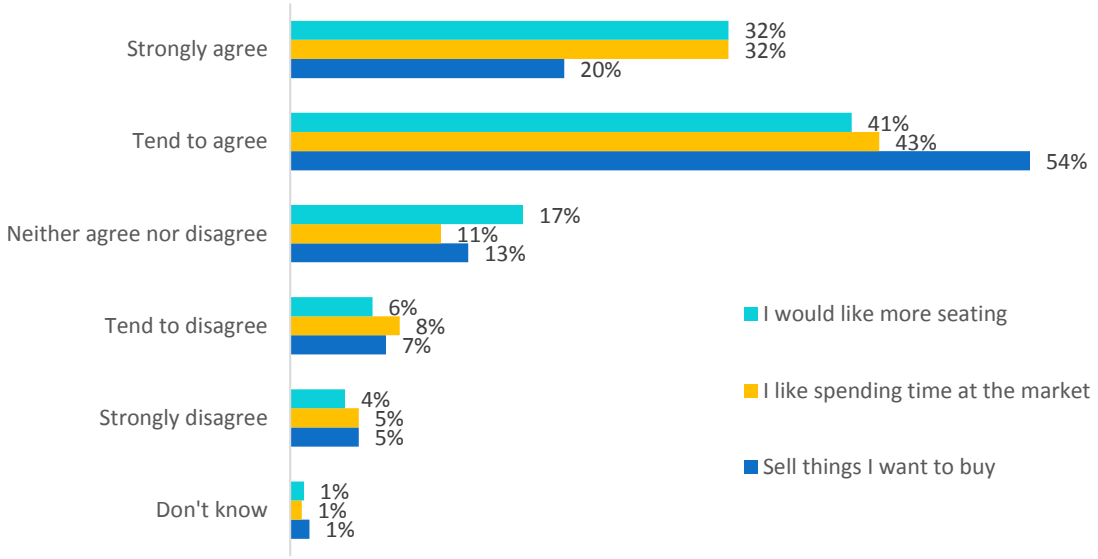
Analysis by respondent type.

Residents are considerably more likely to say they want to have fresh produce and grocery (58%) and plants and flowers (53%) for sale at markets.

	TOTAL	Resident	Worker	Visitor
Number of responses	*685*	*310*	*238*	*110*
Fresh produce and grocery	37%	58%	27%	29%
Food from certain regions or countries	35%	48%	30%	35%
Plants/flowers	32%	53%	21%	34%
General (e.g., organic, upcycled, vintage)	23%	37%	16%	16%
Gifts stationary, arts and crafts	20%	33%	13%	23%
Clothing and accessories	18%	26%	14%	18%
Services (e.g., cobblers, key cutting)	16%	27%	10%	16%
Home wares (e.g., fabrics, décor, appliances)	15%	24%	11%	15%
Entertainment (e.g., books, dvds, games)	12%	16%	8%	14%
Hobbies, sports and leisure	9%	13%	6%	15%
Beauty and grooming	7%	11%	5%	5%

3.5 Spending time at the market as a customer

Non-traders were asked for their views on how they feel about spending time at markets. Three quarters feel markets sell what they want or need (74%), agree they enjoy spending time at the markets and browsing (75%) and would like more seating at the markets (73%).



Analysis by respondent type

Residents are less likely to feel the markets sell things they want or need than other groups. They are also less likely to say they enjoy spending time at markets browsing. They are also less likely to want seating at markets.

Q. To what extent do you agree or disagree with the following statements about products for sale at markets and spending time at the markets... They sell things I want to buy or that I need

	Total	Resident	Worker	Visitor
No. of responses	*707*	*330*	*264*	*122*
Strongly agree	20%	23%	13%	24%
Tend to agree	54%	41%	68%	53%
Neither agree nor disagree	13%	14%	13%	13%
Tend to disagree	7%	13%	3%	7%
Strongly disagree	5%	9%	3%	3%
Don't know/not applicable	1%	0%	0%	2%
Agree	**74%**	**64%**	**81%**	**76%**
Disagree	**12%**	**22%**	**6%**	**9%**

Q. I like to spend time enjoying the atmosphere or browsing different products at the market.

	Total	Resident	Worker	Visitor
No. of responses	*703*	*326*	*264*	*121*
Strongly agree	32%	35%	24%	39%
Tend to agree	43%	34%	51%	43%
Neither agree nor disagree	11%	10%	16%	7%
Tend to disagree	8%	11%	6%	7%
Strongly disagree	5%	10%	3%	3%
Don't know/not applicable	1%	0%	2%	2%
Agree	**75%**	**69%**	**74%**	**82%**
Disagree	**13%**	**20%**	**9%**	**9%**

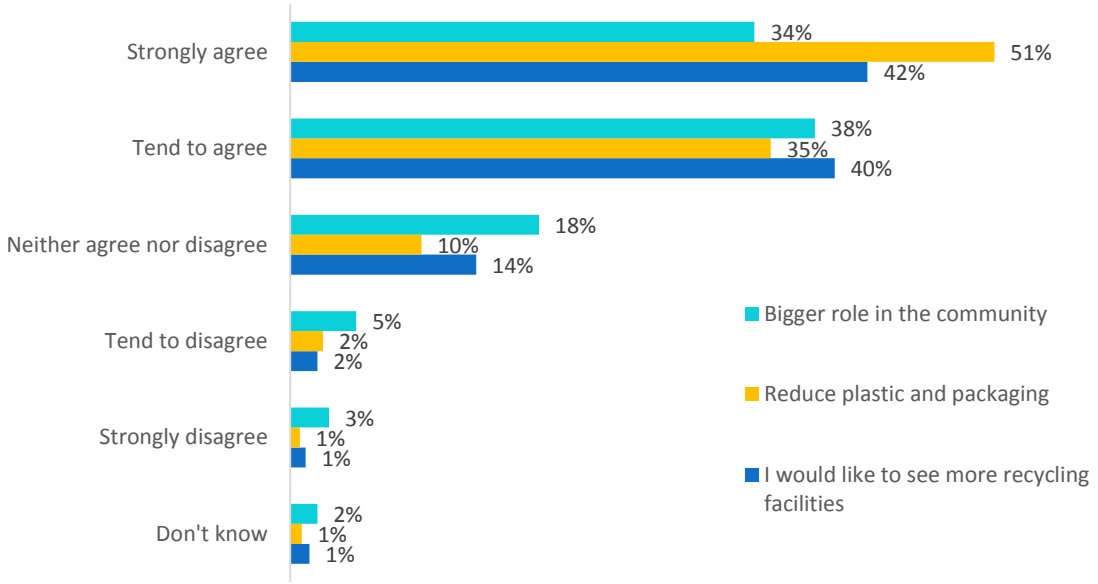
Q. I would like there to be more seating at the market(s) for example to eat food, talk to friends and neighbours.

	Total	Resident	Worker	Visitor
No. of responses	*707*	*330*	*264*	*122*
Strongly agree	32%	29%	28%	40%
Tend to agree	41%	35%	52%	38%
Neither agree nor disagree	17%	21%	15%	15%
Tend to disagree	6%	8%	3%	6%
Strongly disagree	4%	6%	1%	1%
Don't know/not applicable	1%	1%	0%	1%
Agree	**73%**	**64%**	**80%**	**78%**
Disagree	**10%**	**14%**	**5%**	**7%**

3.6 Ensuring our markets reduce their impact on the environment

Sustainability of the markets is important with the vast majority of respondents agreeing they want to see reduced plastic and packaging (87%) and more recycling facilities (82%). Over two thirds (72%) would also like to see the market taking a bigger role in the community, for example via a community garden or kitchen.

Q. To what extent do you agree or disagree with the following statements about markets…



Analysis by respondent type

Across respondent types, sustainability remains highly important.

Q. I would like to see more recycling facilities at the markets and on the street.

	Total	Resident	Worker	Visitor
No. of responses	*707*	*329*	*264*	*121*
Strongly agree	42%	48%	35%	42%
Tend to agree	40%	37%	47%	36%
Neither agree nor disagree	14%	11%	16%	16%
Tend to disagree	2%	2%	1%	4%
Strongly disagree	1%	2%	0%	1%
Don't know/not applicable	1%	0%	2%	2%
Agree	**82%**	**85%**	**82%**	**78%**
Disagree	**3%**	**5%**	**1%**	**5%**

Q. It is important to me that there is reduced plastic and packaging at the markets

	Total	Resident	Worker	Visitor
No. of responses	*710*	*332*	*264*	*122*
Strongly agree	51%	58%	44%	50%
Tend to agree	35%	30%	42%	37%
Neither agree nor disagree	10%	7%	12%	12%
Tend to disagree	2%	4%	1%	2%
Strongly disagree	1%	1%	0%	0%
Don't know/not applicable	1%	1%	1%	0%
Agree	**87%**	**88%**	**86%**	**87%**
Disagree	**3%**	**5%**	**2%**	**2%**

Q. I am interested in the market playing a bigger role in the community for example by introducing a community garden or kitchen available to everyone.

	Total	Resident	Worker	Visitor
No. of responses	*705*	*328*	*264*	*122*
Strongly agree	34%	38%	30%	30%
Tend to agree	38%	32%	45%	39%
Neither agree nor disagree	18%	17%	20%	22%
Tend to disagree	5%	8%	3%	4%
Strongly disagree	3%	4%	1%	3%
Don't know/not applicable	2%	2%	1%	3%
Agree	**72%**	**70%**	**75%**	**70%**
Disagree	**8%**	**12%**	**4%**	**7%**

3.7 Communications Channels

The top sources of communication about the consultation were word of mouth 55% and e-newsletter 23%, followed by the Westminster Reporter and the council website.

Q. How did you find out about this consultation?

Channel	**%**
Base	*710*
Word of mouth	55%
E-newsletter	23%
Westminster Reporter	11%
Westminster City Council website	10%
Social media (e.g. Twitter/Facebook)	8%
Letter from the council	7%
Community forum/group	7%
Other	6%
Newspaper	4%
TV news	2%
Open Forum website	2%
Radio news	1%

3.8 Further comments

Respondents were asked if they would like to make any further comments on street markets. Overall 197 made a further comment (27% of all respondents). The topics which received the greatest number of comments centred on demand for varied goods and services at the markets (27%), issues with cleanliness and hygiene (15%) and facilities at the markets such as electricity, water supply, Wi-Fi (12%).

Q. Are there any further elements of the proposed market strategy you would like to comment on?

Comment	**%**
Number of responses	*197*
Demand for varied produce and shops (e.g. butchers, fishmongers, antiques, specialist markets)	27%
Cleanliness and hygiene – clean up dirt/rubbish around the market	15%
Facilities - eg. refrigeration, motorised, electricity supply, water supply, Wi-Fi	12%
General positive comment	9%
Poor quality goods	9%
Add seating/ make it more attractive (trees/plants)	9%
Greater emphasis on developing sense of community – eg. among residents/community events and projects/stalls	8%
Trading times/ hours	8%
Public toilet facility	7%
Group stalls selling same products	6%
Keep it affordable for traders	6%
Keep it affordable for customers	6%
Noise and smell	6%

Poor management by the council/more support from council needed	5%
Reduce anti-social behaviour	5%
Focus on sustainable/environmentally friendly market	5%
Trader hygiene and sanitation	3%
Stalls layout/position	3%
Birds and seagull issue	2%
Trader and customer car park	2%
Disabled facilities	1%
Other comment	17%

3.9 Demographics

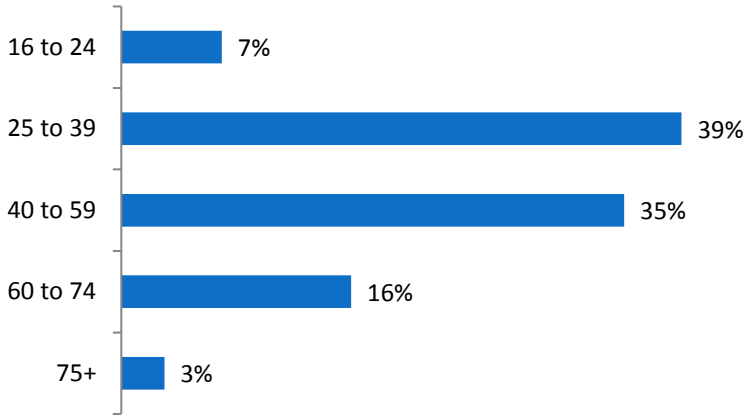
There was good representation from both genders across the respondent groups.

Q. Are you…

	TOTAL	Resident	Worker	Visitor
Number of responses	***607***	*244*	*244*	*111*
Male	**52%**	40%	61%	56%
Female	**48%**	60%	39%	44%

The consultation received a good spread of response by age as detailed below.

Q. How old are you?



Number of responses: 605

4. Questionnaire Response Analysis – Traders

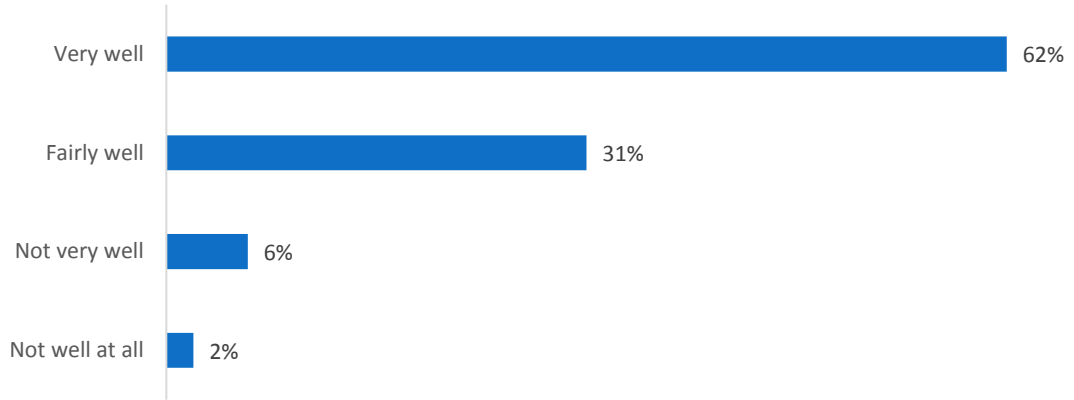
The consultation questionnaire asked respondents to comment on market trading times, their opinions on support for traders, goods for sale and how to reduce markets' impact on the environment. All fees and charges responses can be found in the Licensing Committee Markets Fee Post Consultation Report.

108 market traders (including 73 Licensed Traders and 35 market workers/casual traders) responded to the questionnaire. This section details their response. Analysis is reported in the order of the questionnaire.

4.1 Market Trading Times

Overall the vast majority of market traders (93%) feel trading times at their market work fairly or very well.

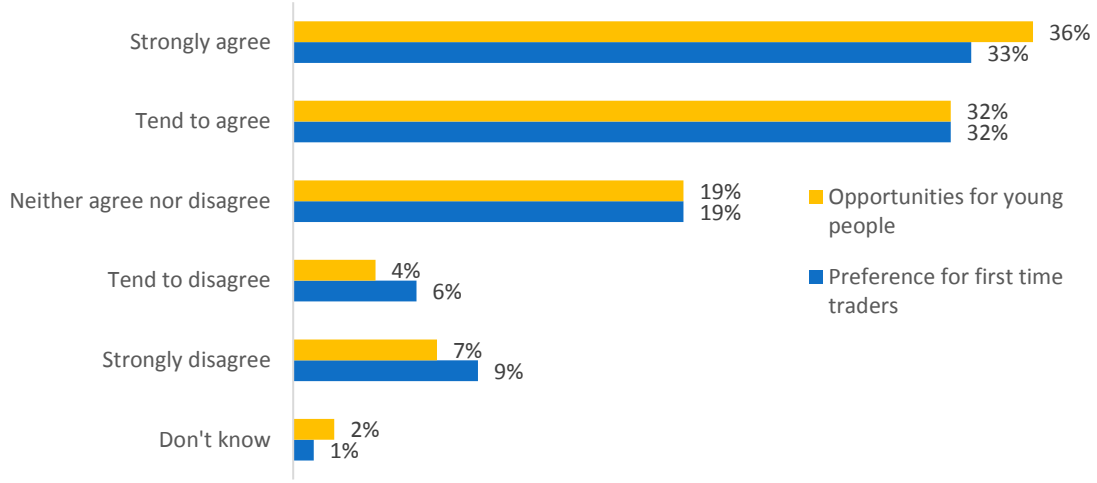
Q. How well do you feel the current trading times at the market work for your business?



4.2 Support with starting a market stall or increasing income

Two thirds of market traders (66%) agree they would like to see preference given to first time traders and residents in Westminster. Over two thirds of market traders (69%) agree they would like to see more opportunities for young people to trade in Westminster.

Q. To what extent do you agree or disagree with the following statements about support for traders?



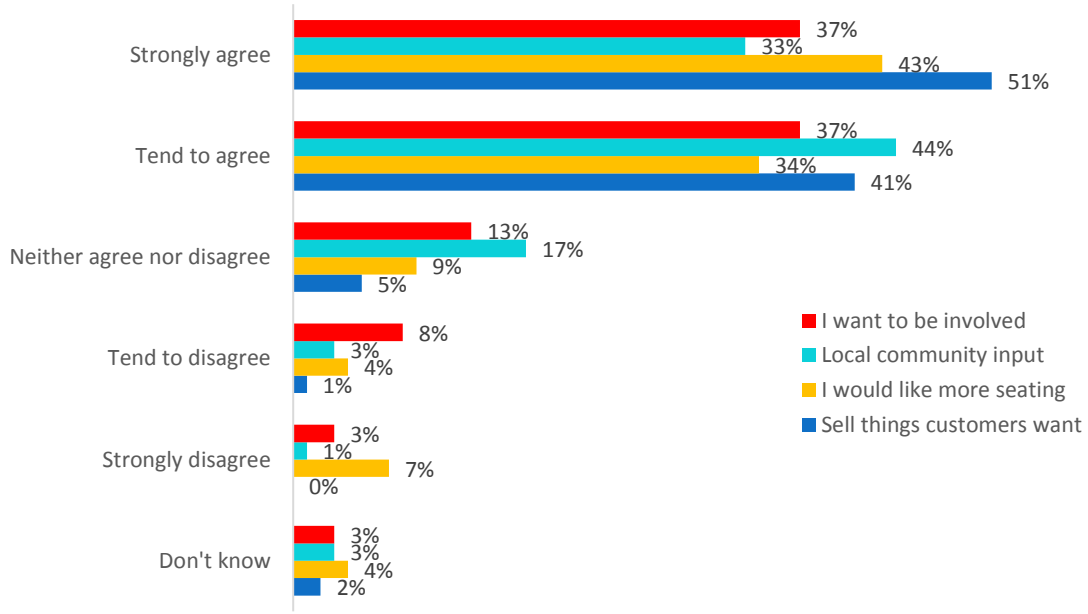
4.3 Customers using markets

Over nine in ten market traders (93%) feel the markets sell things customers want. Three quarters of market traders (77%) would like there to be more seating at markets.

Three quarters of market traders (77%) agree the local community should be more involved in the markets with regard to opening times, what is sold etc.

Three quarters of market traders say they would like to be more involved in the future of the market (74%).

Q. To what extent do you agree or disagree with the following statements?



4.4 Goods for sale

The most popular choices for goods which traders would like to see for sale at markets align with the views of customers – fresh produce, foods from certain regions and plants/flowers.

Q. What, if any, goods would you like to see at the markets which are not available at the moment?

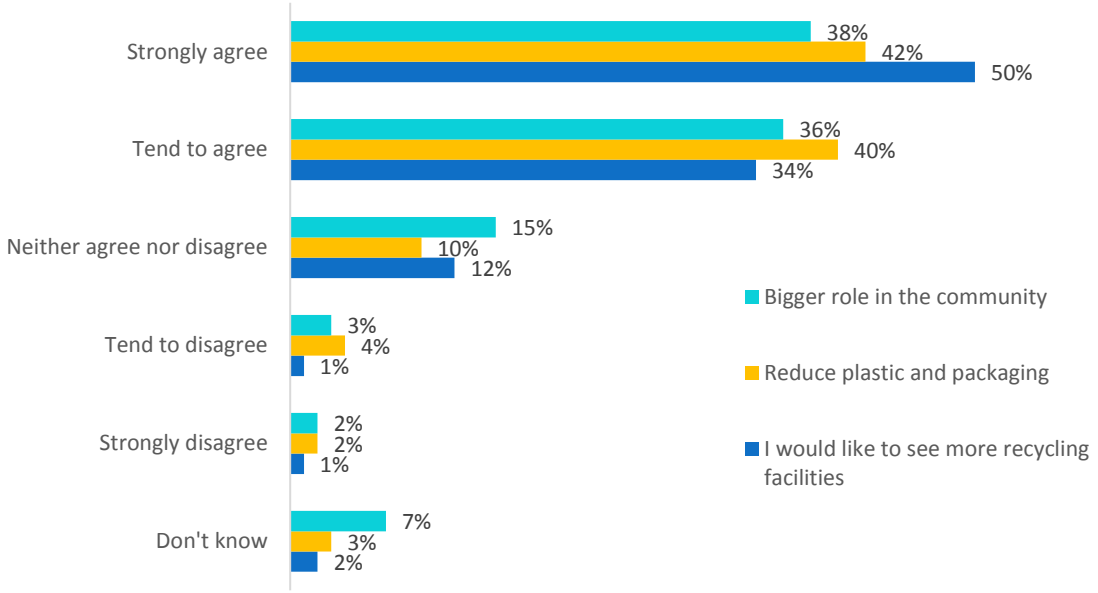
Goods	**%**
Number of responses	*63*
Fresh produce and grocery	38%
Food from certain regions or countries	29%
Plants/flowers	25%
Services (e.g., cobblers, key cutting)	16%
Home wares (e.g., fabrics, décor, appliances)	16%
Gifts stationary, arts and crafts	13%
Entertainment (e.g., books, dvds, games)	13%
Hobbies, sports and leisure	11%
Beauty and grooming	10%
General (e.g., organic, upcycled, vintage)	8%
Clothing and accessories	0%

4.5 Ensuring our markets reduce their impact on the environment

As with non-traders, market traders feel sustainability is important. Over four in five (84%) would like there to be more recycling facilities at markets and would like to see reduced plastic and packaging (81%).

Three quarters of traders (74%) think the markets could be more involved in the community via a community kitchen or garden.

Q. To what extent do you agree or disagree with the following statements about markets…



Number of responses: 108

4.6 Further comments

At the end of the survey market traders were given the opportunity to offer further comments on the consultation. 27 made a further comment (25% of all respondents). The topics which received the greatest number of comments centred on parking, toilets and facilities.

Q. Are there any further elements of the proposed market strategy you would like to comment on?

Comments	**%**
No. of responses	*27*
Parking	26%
Toilet facilities	22%
Facilities (water, electricity, lighting, Wi-Fi)	22%
Products being sold	11%
Advertising	11%
Trading fees	7%
Pitch bookings	7%
Other comment	26%

4.7 Communications channels

The top source of information about the consultation were word of mouth, letters from the council, followed by e-newsletters.

Q. How did you find out about this consultation?

Channel	**%**
Base	*76*
Word of mouth	75%
Letter from the council	33%
E-newsletter	25%
Community forum/group	13%
Newspaper	12%
Westminster Reporter	12%
TV news	11%
Westminster City Council website	8%
Radio news	7%
Open Forum website	5%
Social media (e.g. Twitter/Facebook)	0%
Other	0%

5. Individual Market Responses

This section details findings by each market among non-traders. To understand where views differ from the overall response, the data from all responses has also been reported in the tables.

5.1 Berwick Street Market

127 respondents commented on Berwick Street Market. Half of those who responded about Berwick Street were Westminster residents, around a quarter of responses came from workers and a further quarter from visitors to the market.

A majority of those who commented on the market visit it at least once a month (70%), with over a third saying they visit the market at least once a week.

The below tables shows the results for Berwick Street and all responses for comparison.

Support with starting a market stall or increasing income		**All responses**	**Berwick St**
		%	%
I would like to see preference given to first time traders and residents in Westminster	Agree	71%	57%
	Disagree	6%	11%
	Base	*708*	*125*
I would like there to be more opportunities for young people in Westminster to trade at markets	Agree	80%	77%
	Disagree	3%	7%
	Base	*705*	*124*

Customers using markets		**All responses**	**Berwick St**
		%	%
Being able to order products online from the market and collect it there	Agree	24%	22%
If there were stalls which operated for a limited time	Agree	50%	52%
If traders took card payments	Agree	56%	66%
If there was a loyalty card or points card system	Agree	25%	33%
	Base	*487*	*73*
I would like to be able to find out more about the markets online or via social media	Agree	75%	72%
	Disagree	8%	7%
	Base	*610*	*101*
I think the markets should be promoted more at Christmas and during other national holiday periods	Agree	75%	67%
	Disagree	6%	15%
	Base	*612*	*101*

I think the markets should take part in events throughout the year, such as neighbourhood fayres, arts and cultural events	Agree	83%	79%
	Disagree	3%	3%
	Base	*613*	*99*

Involving residents with their local market		**All responses**	**Berwick St**
		%	%
I would like the local community to have more input into the market(s) in for example: what's sold, hours open, specialist days etc	Agree	79%	77%
	Disagree	3%	3%
	Base	*695*	*119*
I would like to be more involved in the future of the market(s)	Agree	27%	38%
	Disagree	25%	19%
	Base	*691*	*120*

Goods for sale	**All responses**	**Berwick St**
	%	%
Fresh produce and grocery	37%	59%
Plants/flowers	32%	55%
Food from certain regions or countries	35%	53%
General (eg. organic, upcycled, vintage)	23%	39%
Gifts stationery, arts and crafts	20%	33%
Services (eg. cobblers, key cutting)	16%	29%
Clothing and accessories	18%	23%
Home wares (eg. fabrics, decor, appliances)	15%	23%
Entertainment (eg. books, dvds, games)	12%	18%
Hobbies, sports and leisure	9%	14%
Beauty and grooming	7%	12%
Base	*685*	*120*

Spending time as a customer		**All responses**	**Berwick St**
		%	%
They sell things I want to buy or that I need	Agree	74%	65%
	Disagree	12%	14%
	Base	*707*	*125*
I like to spend time enjoying the atmosphere or browsing different products at the market	Agree	75%	74%
	Disagree	13%	12%
	Base	*703*	*125*
I would like there to be more seating at the market(s) for example to eat food, talk to friends and neighbours	Agree	73%	64%
	Disagree	10%	18%
	Base	*707*	*124*

Ensuring our markets reduce their impact on the environment		All responses	Berwick St
		%	%
I would like to see more recycling facilities at the markets and on the street	Agree	82%	84%
	Disagree	3%	3%
	Base	*707*	*125*
It is important to me that there is reduced plastic and packaging at the markets	Agree	87%	88%
	Disagree	3%	2%
	Base	*710*	*125*
I am interested in the market playing a bigger role in the community	Agree	72%	69%
	Disagree	8%	9%
	Base	*705*	*123*

Demographic Data		All responses	Berwick St
		%	%
Gender	Male	52%	51%
	Female	48%	49%
	Base	*607*	*98*
Age	16-24	7%	14%
	25-39	39%	25%
	40-59	35%	41%
	60-74	16%	17%
	75+	3%	4%
	Base	*605*	*96*

Berwick and Rupert Street Drop-In Session

Venue and date: Soho Centre, Tuesday 16th October 11am – 7pm

Around 15 people attended the session. Most of the comments were focused on Berwick Street Market. Suggestions for products included having a variety of stalls - fish, bakery, amenity stalls, DIY, organic stalls, a genuine mix not only hot food, farmers' market, good quality fruit and veg.

With regard to how local people can be involved in the market suggestions included; deciding the mix (not all hot food, artisan food, clothing etc), the 'new' market needs to develop an offer that meets the needs of locals/workers/visitors etc.

Suggestions on events and opportunities the market has to be involved with things happening locally included; art – vegetable sculptures, the Soho Fete, the Soho Society, Plan for Soho, Christmas tree and turn up on the lights event, Christmas market in the evening.

Suggestions to support traders included; toilets, taps, storage, create a website and a local kitchen for people to produce food/produce (part of the 'community kitchen concept'), parking, nappy changing, signposts, incentives to invest.

5.2 Church Street Market

173 respondents commented on Church Street Market. Two thirds (67%) of those who responded about Church Street were Westminster residents, around a fifth of responses came from workers and a further fifth from visitors to the market.

A majority of those who commented on the market visit it at least once a month (75%), with two in five saying they visit the market at least once a week. The below tables shows the results for Church Street and all responses for comparison.

Support with starting a market stall or increasing income		**All responses**	**Church St**
		%	%
I would like to see preference given to first time traders and residents in Westminster	Agree	71%	72%
	Disagree	6%	8%
	Base	*708*	*172*
I would like there to be more opportunities for young people in Westminster to trade at markets	Agree	80%	78%
	Disagree	3%	5%
	Base	*705*	*171*

Customers using markets		**All responses**	**Church St**
		%	%
Being able to order products online from the market and collect it there	Agree	24%	45%
If there were stalls which operated for a limited time	Agree	50%	59%
If traders took card payments	Agree	56%	74%
If there was a loyalty card or points card system	Agree	25%	28%
	Base	*487*	*114*

I would like to be able to find out more about the markets online or via social media	Agree	75%	76%
	Disagree	8%	7%
	Base	*610*	*131*
I think the markets should be promoted more at Christmas and during other national holiday periods	Agree	75%	69%
	Disagree	6%	11%
	Base	*612*	*132*
I think the markets should take part in events throughout the year, such as neighbourhood fayres, arts and cultural events	Agree	83%	86%
	Disagree	3%	5%
	Base	*613*	*133*

Involving residents with their local market		**All responses**	**Church St**
		%	%
I would like the local community to have more input into the market(s) in for example: what's sold, hours open, specialist days etc	Agree	79%	83%
	Disagree	3%	4%
	Base	*695*	*166*
I would like to be more involved in the future of the market(s)	Agree	27%	29%
	Disagree	25%	26%
	Base	*691*	*164*

Goods for sale	**All responses**	**Church St**
	%	%
Fresh produce and grocery	37%	43%
Plants/flowers	32%	45%
Food from certain regions or countries	35%	44%
General (eg. organic, upcycled, vintage)	23%	33%
Gifts stationery, arts and crafts	20%	29%
Services (eg. cobblers, key cutting)	16%	30%
Clothing and accessories	18%	25%
Home wares (eg. fabrics, decor, appliances)	15%	19%
Entertainment (eg. books, dvds, games)	12%	17%
Hobbies, sports and leisure	9%	15%
Beauty and grooming	7%	10%
Base	*685*	*155*

Spending time as a customer		All responses	Church St
		%	%
They sell things I want to buy or that I need	Agree	74%	71%
	Disagree	12%	17%
	Base	*707*	*171*
I like to spend time enjoying the atmosphere or browsing different products at the market	Agree	75%	73%
	Disagree	13%	18%
	Base	*703*	*167*
I would like there to be more seating at the market(s) for example to eat food, talk to friends and neighbours	Agree	73%	70%
	Disagree	10%	10%
	Base	*707*	*170*

Ensuring our markets reduce their impact on the environment		All responses	Church St
		%	%
I would like to see more recycling facilities at the markets and on the street	Agree	82%	89%
	Disagree	3%	4%
	Base	*707*	*170*
It is important to me that there is reduced plastic and packaging at the markets	Agree	87%	85%
	Disagree	3%	7%
	Base	*710*	*171*
I am interested in the market playing a bigger role in the community	Agree	72%	69%
	Disagree	8%	12%
	Base	*705*	*170*

Demographic Data		All responses	Church St
		%	%
Gender	Male	52%	39%
	Female	48%	61%
	Base	*607*	*133*
Age	16-24	7%	3%
	25-39	39%	22%
	40-59	35%	44%
	60-74	16%	26%
	75+	3%	4%
	Base	*605*	*133*

Church Street Drop-In Session Summary

Venue and date: Church Street Library, Tuesday 2nd October 10.30am – 6.30pm

Around 6 people attended the drop-in. Officers also went to the market to speak to local people. Respondents would like to see; managed toilets, good lighting, parking for visitors and traders,

entertainment, and creating a destination and good café seating - to be taken in at night when shops close.

Respondents offered a range of ideas on how the markets can be more sustainable in future, such as every stall should have bins and recycle to avoid litter, introduce paper bags, recycle food and veg waste.

They also offered ideas on how the market can take part in community events and festivals such as a culture day – selling foods from around the world, Eid-daytime event, 'Love My Market' activities, late night opening, especially around Christmas.

5.3 Maida Hill Market

108 respondents commented on Maida Hill Market. Nearly four in five (78%) of those who responded about Maida Hill were Westminster residents, around a fifth of responses came from workers.

A majority of those who commented on the market visit it at least once a month (80%), with half saying they visit the market at least once a week.

The below tables shows the results for Maida Hill and all responses for comparison.

Support with starting a market stall or increasing income		**All responses**	**Maida Hill**
		%	%
I would like to see preference given to first time traders and residents in Westminster	Agree	71%	76%
	Disagree	6%	5%
	Base	*708*	*106*
I would like there to be more opportunities for young people in Westminster to trade at markets	Agree	80%	87%
	Disagree	3%	2%
	Base	*705*	*106*

Customers using markets		**All responses**	**Maida Hill**
		%	%
Being able to order products online from the market and collect it there	Agree	24%	44%
If there were stalls which operated for a limited time	Agree	50%	48%
If traders took card payments	Agree	56%	36%
If there was a loyalty card or points card system	Agree	25%	30%
	Base	*487*	*73*
I would like to be able to find out more about the markets online or via social media	Agree	75%	81%
	Disagree	8%	7%
	Base	*610*	*89*

I think the markets should be promoted more at Christmas and during other national holiday periods	Agree	75%	83%
	Disagree	6%	2%
	Base	*612*	*89*
I think the markets should take part in events throughout the year, such as neighbourhood fayres, arts and cultural events	Agree	83%	91%
	Disagree	3%	6%
	Base	*613*	*90*

Involving residents with their local market		**All responses**	**Maida Hill**
		%	%
I would like the local community to have more input into the market(s) in for example: what's sold, hours open, specialist days etc	Agree	79%	90%
	Disagree	3%	1%
	Base	*695*	*104*
I would like to be more involved in the future of the market(s)	Agree	27%	32%
	Disagree	25%	23%
	Base	*691*	*104*

Goods for sale	**All responses**	**Maida Hill**
	%	%
Fresh produce and grocery	37%	45%
Plants/flowers	32%	41%
Food from certain regions or countries	35%	36%
General (eg. organic, upcycled, vintage)	23%	32%
Gifts stationery, arts and crafts	20%	35%
Services (eg. cobblers, key cutting)	16%	20%
Clothing and accessories	18%	26%
Home wares (eg. fabrics, decor, appliances)	15%	16%
Entertainment (eg. books, dvds, games)	12%	17%
Hobbies, sports and leisure	9%	11%
Beauty and grooming	7%	15%
Base	*685*	*105*

Spending time as a customer		**All responses**	**Maida Hill**
		%	%
They sell things I want to buy or that I need	Agree	74%	61%
	Disagree	12%	28%
	Base	*707*	*106*
I like to spend time enjoying the atmosphere or browsing different products at the market	Agree	75%	73%
	Disagree	13%	19%
	Base	*703*	*107*
	Agree	73%	79%
	Disagree	10%	7%

I would like there to be more seating at the market(s) for example to eat food, talk to friends and neighbours	*Base*	*707*	*107*

Ensuring our markets reduce their impact on the environment		All responses	Maida Hill
		%	%
I would like to see more recycling facilities at the markets and on the street	Agree	82%	90%
	Disagree	3%	1%
	Base	*707*	*107*
It is important to me that there is reduced plastic and packaging at the markets	Agree	87%	91%
	Disagree	3%	2%
	Base	*710*	*107*
I am interested in the market playing a bigger role in the community	Agree	72%	86%
	Disagree	8%	8%
	Base	*705*	*107*

Demographic Data		All responses	Maida Hill
		%	%
Gender	Male	52%	44%
	Female	48%	56%
	Base	*607*	*91*
Age	16-24	7%	4%
	25-39	39%	43%
	40-59	35%	40%
	60-74	16%	9%
	75+	3%	5%
	Base	*605*	*86*

Maida Hill Drop-In Session Summary

Venue and date: Yaa Centre, Wednesday 19th September 11am – 7pm

Three people attended the session. Officers went to the market to speak to local people. The feedback included wanting to see more variation at the stalls. Some mentioned wanting to see more clothes stalls and shoes stalls in particular. Others said that they would like to see the Community Market back.

Many complained about the market being run down and the poor atmosphere in the square with people behaving antisocially by drinking, smoking and being loud at night.

Some said that there are too many shops that sell fresh produce alongside Harrow Road – they think that this won't help fresh produce traders in managing to make their stalls successful. Some mentioned wanting a covered area for the market and for sitting down.

5.4 Rupert Street Market

95 respondents commented on Rupert Street Market. A third of all those who responded about Rupert Street were Westminster residents, around two in five responses came from workers and a fifth from visitors to the market.

A majority of those who commented on the market visit it at least once a month (76%), with over a quarter (27%) saying they visit the market at least once a week.

The below tables shows the results for Rupert Street and all responses for comparison.

Support with starting a market stall or increasing income		**All responses**	**Rupert Street**
		%	%
I would like to see preference given to first time traders and residents in Westminster	Agree	71%	76%
	Disagree	6%	4%
	Base	*708*	*95*
I would like there to be more opportunities for young people in Westminster to trade at markets	Agree	80%	82%
	Disagree	3%	2%
	Base	*705*	*95*

Customers using markets		**All responses**	**Rupert Street**
		%	%
Being able to order products online from the market and collect it there	Agree	24%	20%
If there were stalls which operated for a limited time	Agree	50%	49%
If traders took card payments	Agree	56%	65%
If there was a loyalty card or points card system	Agree	25%	34%
	Base	*487*	*74*
I would like to be able to find out more about the markets online or via social media	Agree	75%	70%
	Disagree	8%	11%
	Base	*610*	*84*
I think the markets should be promoted more at Christmas and during other national holiday periods	Agree	75%	82%
	Disagree	6%	7%
	Base	*612*	*84*
I think the markets should take part in events throughout the year, such as neighbourhood fayres, arts and cultural events	Agree	83%	91%
	Disagree	3%	1%
	Base	*613*	*84*

Involving residents with their local market		All responses	Rupert Street
		%	%
I would like the local community to have more input into the market(s) in for example: what's sold, hours open, specialist days etc	Agree	79%	86%
	Disagree	3%	3%
	Base	*695*	*92*
I would like to be more involved in the future of the market(s)	Agree	27%	22%
	Disagree	25%	45%
	Base	*691*	*92*

Goods for sale	All responses	Rupert Street
	%	%
Fresh produce and grocery	37%	42%
Plants/flowers	32%	41%
Food from certain regions or countries	35%	37%
General (eg. organic, upcycled, vintage)	23%	26%
Gifts stationery, arts and crafts	20%	17%
Services (eg. cobblers, key cutting)	16%	14%
Clothing and accessories	18%	20%
Home wares (eg. fabrics, decor, appliances)	15%	19%
Entertainment (eg. books, dvds, games)	12%	13%
Hobbies, sports and leisure	9%	7%
Beauty and grooming	7%	9%
Base	*685*	*92*

Spending time as a customer		All responses	Rupert Street
		%	%
They sell things I want to buy or that I need	Agree	74%	80%
	Disagree	12%	7%
	Base	*707*	*95*
I like to spend time enjoying the atmosphere or browsing different products at the market	Agree	75%	80%
	Disagree	13%	10%
	Base	*703*	*95*
I would like there to be more seating at the market(s) for example to eat food, talk to friends and neighbours	Agree	73%	86%
	Disagree	10%	10%
	Base	*707*	*95*

Ensuring our markets reduce their impact on the environment		All responses	Rupert Street
		%	%
I would like to see more recycling facilities at the markets and on the street	Agree	82%	90%
	Disagree	3%	2%
	Base	*707*	*95*
It is important to me that there is reduced plastic and packaging at the markets	Agree	87%	95%
	Disagree	3%	1%
	Base	*710*	*95*
I am interested in the market playing a bigger role in the community	Agree	72%	80%
	Disagree	8%	10%
	Base	*705*	*95*

Demographic Data		All responses	Rupert Street
		%	%
Gender	Male	52%	51%
	Female	48%	49%
	Base	*607*	*83*
Age	16-24	7%	10%
	25-39	39%	31%
	40-59	35%	40%
	60-74	16%	19%
	75+	3%	0%
	Base	*605*	*83*

Berwick and Rupert Street Drop-In Session Summary

Venue and date: Soho Centre, Tuesday 16th October 11am – 7pm

Around 15 people attended the session. Most of the comments were focused on Berwick Street Market. Suggestions for products included having a variety of stalls - fish, bakery, amenity stalls, DIY, organic stalls, a genuine mix not only hot food, farmers market, good quality fruit and veg.

With regard to how local people can be involved in the market suggestions included; deciding the mix (not all hot food, artisan food, clothing etc), the 'new' market needs to develop an offer that meets the needs of locals/workers/visitors etc.

Suggestions on events and opportunities the market has to be involved with things happening locally included; art – vegetable sculptures, the Soho Fete, the Soho Society, Plan for Soho, Christmas tree and turn up on the lights event, Christmas market in the evening.

Suggestions to support traders included; toilets, taps, storage, create a website and a local kitchen for people to produce food/produce (part of the 'community kitchen concept'), parking, nappy changing, signposts, incentives to invest.

5.5 Strutton Ground Market

140 respondents commented on Strutton Ground Market. Around two in five (43%) of all those who responded about Strutton Ground were Westminster residents, nearly half of responses came from workers.

A majority of those who commented on the market visit it at least once a month (90%), with over a three in five saying they visit the market at least once a week.

The below tables shows the results for Strutton Ground and all responses for comparison.

Support with starting a market stall or increasing income		**All responses**	**Strutton Ground**
		%	%
I would like to see preference given to first time traders and residents in Westminster	Agree	71%	**76%**
	Disagree	6%	7%
	Base	*708*	*138*
I would like there to be more opportunities for young people in Westminster to trade at markets	Agree	80%	78%
	Disagree	3%	5%
	Base	*705*	*138*

Customers using markets		**All responses**	**Strutton Ground**
		%	%
Being able to order products online from the market and collect it there	Agree	24%	8%
If there were stalls which operated for a limited time	Agree	50%	36%
If traders took card payments	Agree	56%	67%
If there was a loyalty card or points card system	Agree	25%	25%
	Base	*487*	*84*
I would like to be able to find out more about the markets online or via social media	Agree	75%	79%
	Disagree	8%	5%
	Base	*610*	*116*
I think the markets should be promoted more at Christmas and during other national holiday periods	Agree	75%	71%
	Disagree	6%	6%
	Base	*612*	*116*
I think the markets should take part in events throughout the year, such as neighbourhood fayres, arts and cultural events	Agree	83%	78%
	Disagree	3%	5%
	Base	*613*	*115*

Involving residents with their local market		All responses	Strutton Ground
		%	%
I would like the local community to have more input into the market(s) in for example: what's sold, hours open, specialist days etc	Agree	79%	77%
	Disagree	3%	4%
	Base	*695*	*137*
I would like to be more involved in the future of the market(s)	Agree	27%	43%
	Disagree	25%	17%
	Base	*691*	*137*

Goods for sale	All responses	Strutton Ground
	%	%
Fresh produce and grocery	37%	41%
Plants/flowers	32%	39%
Food from certain regions or countries	35%	26%
General (eg. organic, upcycled, vintage)	23%	27%
Gifts stationery, arts and crafts	20%	23%
Services (eg. cobblers, key cutting)	16%	20%
Clothing and accessories	18%	27%
Home wares (eg. fabrics, decor, appliances)	15%	24%
Entertainment (eg. books, dvds, games)	12%	14%
Hobbies, sports and leisure	9%	8%
Beauty and grooming	7%	8%
Base	*685*	*133*

Spending time as a customer		All responses	Strutton Ground
		%	%
They sell things I want to buy or that I need	Agree	74%	76%
	Disagree	12%	12%
	Base	*707*	*138*
I like to spend time enjoying the atmosphere or browsing different products at the market	Agree	75%	73%
	Disagree	13%	9%
	Base	*703*	*138*
I would like there to be more seating at the market(s) for example to eat food, talk to friends and neighbours	Agree	73%	64%
	Disagree	10%	9%
	Base	*707*	*137*

Ensuring our markets reduce their impact on the environment		All responses	Strutton Ground
		%	%
I would like to see more recycling facilities at the markets and on the street	Agree	82%	73%
	Disagree	3%	6%
	Base	*707*	*138*
It is important to me that there is reduced plastic and packaging at the markets	Agree	87%	77%
	Disagree	3%	7%
	Base	*710*	*138*
I am interested in the market playing a bigger role in the community	Agree	72%	68%
	Disagree	8%	12%
	Base	*705*	*137*

Demographic Data		All responses	Strutton Ground
		%	%
Gender	Male	52%	48%
	Female	48%	52%
	Base	*607*	*114*
Age	16-24	7%	4%
	25-39	39%	47%
	40-59	35%	35%
	60-74	16%	13%
	75+	3%	1%
	Base	*605*	*114*

Strutton Ground Drop-In Session Summary

Venue and date: The Abbey Centre, Wednesday 12th September 11am – 7pm

The Strutton Ground drop-in session was a quiet session in which around 12 participants attended. These consisted of mainly residents, one business and one interested ex market trader.

Public toilets were suggested as a facility which the market could benefit from. A number of suggestions for stalls were offered including; antiques, more varied stalls – such as niche clothing and jewellery, halal food.

A number of suggestions were offered on how the market could be more sustainable including; don't give away plastic bags, reduce take-away container use, having fewer cars and vans and discourage traders from non-eco materials.

5.6 Tachbrook Street Market

211 respondents commented on Tachbrook Street Market. Around half (48%) of all those who responded about Tachbrook Street were Westminster residents, and most other respondents were workers.

A majority of those who commented on the market visit it at least once a month (92%), with nearly half (46%) saying they visit the market at least once a week.

The below tables shows the results for Tachbrook Street and all responses for comparison.

Support with starting a market stall or increasing income		**All responses**	**Tachbrook Street**
		%	%
I would like to see preference given to first time traders and residents in Westminster	Agree	71%	66%
	Disagree	6%	5%
	Base	*708*	*209*
I would like there to be more opportunities for young people in Westminster to trade at markets	Agree	80%	75%
	Disagree	3%	3%
	Base	*705*	*209*

Customers using markets		**All responses**	**Tachbrook Street**
		%	%
Being able to order products online from the market and collect it there	Agree	24%	14%
If there were stalls which operated for a limited time	Agree	50%	59%
If traders took card payments	Agree	56%	51%
If there was a loyalty card or points card system	Agree	25%	25%
	Base	*487*	*138*
I would like to be able to find out more about the markets online or via social media	Agree	75%	70%
	Disagree	8%	9%
	Base	*610*	*178*
I think the markets should be promoted more at Christmas and during other national holiday periods	Agree	75%	74%
	Disagree	6%	4%
	Base	*612*	*179*
I think the markets should take part in events throughout the year, such as neighbourhood fayres, arts and cultural events	Agree	83%	77%
	Disagree	3%	2%
	Base	*613*	*180*

Involving residents with their local market		All responses	Tachbrook Street
		%	%
I would like the local community to have more input into the market(s) in for example: what's sold, hours open, specialist days etc	Agree	79%	68%
	Disagree	3%	2%
	Base	*695*	*208*
I would like to be more involved in the future of the market(s)	Agree	27%	23%
	Disagree	25%	18%
	Base	*691*	*205*

Goods for sale	All responses	Tachbrook Street
	%	%
Fresh produce and grocery	37%	47%
Plants/flowers	32%	33%
Food from certain regions or countries	35%	42%
General (eg. organic, upcycled, vintage)	23%	26%
Gifts stationery, arts and crafts	20%	22%
Services (eg. cobblers, key cutting)	16%	18%
Clothing and accessories	18%	17%
Home wares (eg. fabrics, decor, appliances)	15%	17%
Entertainment (eg. books, dvds, games)	12%	10%
Hobbies, sports and leisure	9%	9%
Beauty and grooming	7%	7%
Base	*685*	205

Spending time as a customer		All responses	Tachbrook Street
		%	%
They sell things I want to buy or that I need	Agree	74%	77%
	Disagree	12%	9%
	Base	*707*	*209*
I like to spend time enjoying the atmosphere or browsing different products at the market	Agree	75%	71%
	Disagree	13%	13%
	Base	*703*	*208*
I would like there to be more seating at the market(s) for example to eat food, talk to friends and neighbours	Agree	73%	70%
	Disagree	10%	11%
	Base	*707*	*209*

Ensuring our markets reduce their impact on the environment		All responses	Tachbrook Street
		%	%
I would like to see more recycling facilities at the markets and on the street	Agree	82%	74%
	Disagree	3%	3%
	Base	*707*	*209*
It is important to me that there is reduced plastic and packaging at the markets	Agree	87%	84%
	Disagree	3%	3%
	Base	*710*	*211*
I am interested in the market playing a bigger role in the community	Agree	72%	66%
	Disagree	8%	8%
	Base	*705*	*208*

Demographic Data		All responses	Tachbrook Street
		%	%
Gender	Male	52%	61%
	Female	48%	38%
	Base	*607*	*177*
Age	16-24	7%	7%
	25-39	39%	49%
	40-59	35%	22%
	60-74	16%	19%
	75+	3%	3%
	Base	*605*	*178*

Tachbrook Street Drop-In Session Summary

Venue and date: St James the Less Church - Tuesday 9th October 11am – 7pm

Around 25 people attended the drop-in session, most of whom were local residents. Suggestions to improve the market included having seating at the market to cater for lunchtime visitors, Wi-Fi at the market, better variety of stalls and more pedestrianisation of the close surrounding area.

Ideas to make the markets more sustainable included reducing gas burning for hot food stalls, recycling bins for traders and customers, using mains electricity, e.g. from lamp posts or car charging points, instead of generators.

A trader who attended the session offered a number of ideas on how the council can support traders in future including; more special parking/loading facilities for market traders, better signage directing public from Victoria and Vauxhall Bridge Road to the market, advertising and fliers for pop up events. This trader also suggested traders have health and safety training (e.g., fire, gas, fire extinguisher). They also suggested a number of ways the market can be more sustainable and improvements for the market and immediate surrounding areas including; enforcing the use of eco-friendly packaging/utensils, educating customers about bringing their own bags or food boxes,

sitting area for customers without passing on the duty of maintaining it to the traders, proper maintenance of the public toilet.

6. Email and Letter Responses

In addition to feedback through the online and paper questionnaires, traders and non-traders could respond to the consultations in letters and emails to Westminster City Council and via marketsconsultation@westminster.gov.uk.

11 emails were received via the markets consultation mailbox which were read and have been coded for themes. The most common themes concerned maintenance of markets – regarding issues such as cleanliness - and concern over pitch fees.

Theme	No. of mentions
Maintenance - hygiene / sanitation/ waste	6
Concerns around pitch fees/rent	5
Lack of space for Storage/Parking/movement	4
Lack of variety of goods sold	3
General positive comment	3
Market is not how it used to be	3
Other stall suggestions	3
Lack of toilets	2
Promote/advertise the market	2
Lack of job opportunities	2

Two letters were received from the Labour Group of Westminster City Council and Shaftesbury Plc, a property company with a large portfolio around Berwick Street market.

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LICENSING COMMITTEE REPORT

Date	**28 November 2018**
Classification	**For general release**
Title or report	*Fees and charges review for street trading on a pitch at a market in Westminster*
Report of	**Director of Public Protection and Licensing**
Decision maker	**Licensing Committee**
Wards involved	**All**
Financial summary	This report sets out the results of the consultation into the fees and charges for street trading on a market where the Authority can set a fee to recover its costs in relation to a licence application and services provided for administration, cleansing, waste disposal and enforcement.
Report author and telephone	Rosalind Hick, Team Manager Regulatory Standards Ext. 1775

1 Executive Summary

1.1 This report seeks a decision to implement a revised set of fees for the application for a licence for street trading on a market pitch in Westminster, and the charges applied for each day that the licence is in force, following the consultation, approved by the Licensing Committee on 4th July 2018.

1.2 The consultation ran as part of a wider consultation into markets across Westminster, from 6th August 2018 until the 29th October.

1.3 As part of the consultation, proposals for a new application fee and 4 options for the daily charge were set out. The proposals also included some concessions on the application fee for charitable or community events, for start-up businesses and for Westminster residents.

1.4 Licence holders affected by the proposal and representative trade bodies were notified of the changes proposed and given the opportunity to make representations and provide their views.

1.5 The consultation produced a large number of responses from traders, summarised within this report, with a clear preference for the option that set out charges over a two year period, with a tapered charge in year one. Support was also given for the proposed revised application fees and associated concessions.

1.6 A number of general comments were also received from traders, across all markets. A summary of these broken down by market is included in the report. These traders have also been given the opportunity to meet officers in person and/or attend the Licensing Committee hearing to discuss the fee and charges proposed, making further representation.

1.7 The provisional findings of the wider consultation into markets across Westminster and the next steps towards the development of a strategy for markets across Westminster are provided to the Licensing Committee as a separate presentation for information.

2 Recommendations

2.1 That the Committee give consideration and their approval for:

1. The proposed application fees as set out in **Appendix A**
2. The concessions on the application fee in relation to charitable or community stalls, start-up business and Westminster residents as shown in **Appendix A**

3. Option 4 of the proposed daily charge for a pitch on a market in Westminster; a tapered rate over a two year period, of £16 Monday – Thursday and £22 Friday and Saturday in year one, rising to £22 across all days in year two as shown in **Appendix B.**

   55% of traders responding to the consultation were in support of Option 4 which allows traders a one year transitional period to full charging.

4. For all the above to be applied to all applications and all existing traders as of the 1st April 2019.

5. For all waivers to continue as per existing Street Trading policy 2013

6. A further review on the fees and charges for street trading on a pitch at a market in Westminster to be brought to Licensing Committee in April 2020, in line with the provisions set out in the City of Westminster Act 1999 (The Act), and annual fee reviews thereafter.

3 Background

3.1 The last full fee review in relation to street trading was taken to Licensing Sub Committee on the 15 June 2006.

3.2 The criteria for determining charges for street trading in Westminster is set out in section 22 of The Act. Within The Act, the council is allowed to recover certain costs associated with the administration of any street trading application, that is, the Application Fee, and costs for cleansing, waste disposal and enforcement, that is the Daily Charge. Any fee review can only seek to cover these provisions.

3.3 Costs associated with maintenance of public realm infrastructure and new schemes cannot be included in licensing fees or charges. These costs are borne by the council from capital budget or other funding streams.

3.3 The proposals for a revised application fee and daily charge show an increase in fees to enable cost recovery on an annual basis. The present position is that existing fees and charges do not represent cost recovery and there is an accumulated deficit on the street trading account. This deficit has accumulated due to the length of time since the last full fee increase.

3.4 It is recognised that were the council to recover this accumulated deficit this could place significant financial pressure on existing traders. Therefore, none of the proposed fee options included the recovery of this deficit. For context, the deficit built over the last four years is in excess of £1million

3.5 The decisions of the Supreme Court in April 2015 and July 2017 in Hemming vs Westminster City Council in relation to fee setting and the recovery of costs were applied in full to the fee review proposals.

3.6 Street trading fees and charges in respect of street trading isolated pitches are not considered within this report.

4 Consultation Framework

4.1 Under section 22 (9) of The Act, before any charges are determined or varied, notice must first be given to all existing licence holders and representative bodies. This notice has to set out the proposals and proposed charges and must be accompanied by a statement showing how the proposed charges have been calculated. A minimum 28 days consultation period is allowed to enable representations to be made.

4.2 After the Licensing Committee decision to approve the consultation on the 4th July, throughout the month of July, pre consultation drop in sessions were set up for traders at each market, to enable questions to be raised before the formal consultation launch date.

4.3 The consultation formally began on the 6th August 2018 and ran until the 29th October. This extended period enabled a broad consultation and a variety of opportunities for traders to participate.

4.4 A formal notice was put on the Public Notice page of the Westminster Gazette on the 14th September 2019

4.5 4 letters were sent to traders between the 21st June and the 28th September. These letters set out the aims of the consultation, informed traders how they could respond and directed traders to the Westminster website where full information could be found on the proposed fees and charges and how they were calculated.

4.6 The Westminster website was updated with full information on proposed fees and charges, giving traders clear information on the costs associated with markets and how the proposed application fee and daily charge were calculated. Details of the information provided are set out in **Appendix C.**

4.7 During the consultation, licence holders were asked whether they supported the views on the proposed application fees and charges and the proposed concessions for charitable and community events, start-up businesses and Westminster residents.

4.8 4 options were provided for the daily charge. Licence holders were asked to select the options they preferred. An opportunity was also given for further comments and suggestions.

4.9 Drop in sessions were arranged for each market, attended by officers from Licensing and Economic Development. These sessions gave the opportunity for anyone who wished to attend to discuss matters around the market and opportunities for improvement. A separate section was available for traders to discuss fees and charges.

4.10 On street researchers attended each market to gather views and complete the survey together with traders.

4.11 A summary table showing all parts of the consultation is included in **Appendix D**.

5 Consultation Results – Fees and Charges overview

5.1 In terms of a fee and charges review, the Act makes it clear that representations and responses received should relate to the proposed fees and charges put forward.

5.2 In total 73 responses were received from licensed traders. The breakdown of traders from each market is shown below:

Market	Trader surveys	Total traders licensed	Response percentage
Berwick Street	10	24	42%
Church Street	32	146	22%
Maida Hill	1	3	33%
Rupert Street	1	2	50%
Strutton Ground	15	23	65%
Tachbrook Street	14	20	70%
Total	**73**	**218**	**33%**

5.3 The questions asked in the consultation were structured, and the majority of traders only gave responses indicating whether they agreed or disagreed with the application fee and concessions, and which of the options for the daily charge they favoured.

5.4 There was an opportunity for a section to be completed on additional comments, and 34 additional comments were made here by traders. 12 of these suggested an alternative idea for the daily charge or additional concessions, 11 were a request to keep the fees the same or as low as possible, 7 were a comment on the methodology used to set the daily charge and the decision to increase fees at this time and 4 related to the service or facilities on the market. The breakdown of comments by market and separately a list of the comments made is shown in **Appendix E.**

5.5 The Act sets out that the council must give any person who makes representation by the due date an opportunity to make oral representation to the council and it may at its discretion give to other persons making representations a similar opportunity.

5.6 Traders making specific comment as a result of the consultation have been written to, inviting them to discuss their concerns in person with officers from the Licensing Service and/or attend the Full Licensing Committee, with a deadline for communication by the 13th November. No further comments have been received.

6 Application Fee - response

6.1 The proposed application fees, shown in **Appendix A**, are calculated by assessing the time it takes for each step in the application process based on hourly rates.

6.2 For some applications, such as those where the applicant will be selling high-risk food, Environmental Health Officers will need to spend more time on the application to ensure that the trader adequately meets food safety requirements. The proposed fees were therefore different for applications to sell non-food, fresh produce or hot take away food.

6.3 No general comments were received from traders regarding the application fee. However, 51% of traders agreed that there should be a higher application fee to sell hot food.

7 Application Fee Concessions – response

7.1 The following concessions were proposed on the application fee:

- 100% waiver of application fee for charitable or community organisations
- 50% discount on application fee for applications from start-up businesses (business which has been registered at Companies House, HMRC or registered self-employed for less than 12 months before an application is made).
- 20% discount on application fee for applications from Westminster residents.

7.2 All of the concessions above received favourable responses in the consultation.

- 51% agree charitable or community organisations should have the application fee waived.
- 56% agree Start-up businesses trading for less than 12 months should receive a 50% discount on their application fee.
- 44% agree Westminster residents should receive a 20% discount on their application fee.

8 Daily Charge - response

8.1 Section 22 of The Act provides that the council can recover costs associated with waste disposal, cleansing, administrative costs and enforcement.

These costs are set out in **Appendix F**

8.2 The options for the daily charge were calculated by taking these costs and identifying a charge that would meet them, given the number of pitches in markets across Westminster and an occupancy rate that identified how often these pitches are used.

8.3 Of the 4 options proposed in the consultation, the majority of traders were in favour of the tapered increase in charges (55%), Option 4. This option, set out a charge of £16 for Monday to Thursday in year one, increasing to £22 in year two. The charge for Friday and Saturday would not be tapered and will be £22.

8.4 The Council has no legal requirement to implement the option preferred by most traders, however it is recognised that Option 4 above allows for a transition period into the full charging model.

8.5 The responses of traders against each option are shown below:

Option 1	A standard charge of £22 per day across all markets and all days	20%
Option 2	A charge of £20 per day for non-food and fresh produce traders and a charge of £25 per day for hot food/ take away traders	29%
Option 3	An area based charge: £21 per day for Church Street and Maida Hill, £22 per day for Strutton Ground and Tachbrook Street, £24 per day for Berwick Street and Rupert Street	6%
Option 4	A charge of £16 for Monday to Thursday in year one, increasing to £22 for all days in year two. The charge for Friday and Saturday would not be tapered and will be £22.	55%

9. Financial Implications

9.1 Fees and charges are based on cost recovery as defined within section 22 of The Act. Under current fee and charging arrangements, the council's deficit over the last three years is in excess of £1million.

Application Fees

9.2 Application fee concessions as noted in 7.1 recognise that markets provide an opportunity for local employment, and development of small business. A lack of specific data on numbers of small businesses, resident traders and community organisations making applications means that the impact of these concessions cannot be accurately predicted. Any future fee review will provide more detailed analysis of the impact of these concessions, so that can be given full consideration by the Licensing Committee.

Daily Charges

9.3 **Appendix G** shows projected income/cost against each of the four charging options.

With current occupancy rates, the tapered Option 4 would result in a deficit of £234,585 in year one, that is in 2019/20. If this option was approved, this deficit would be funded through the council's general fund, and represents a £80k reduction in deficit compared to the previous year. This deficit would be borne by the council to ease pressure on traders as we move into full cost recovery.

Under Option 4 the charge of £22 per day in year two, based on current occupancy rates, will achieve cost recovery.

9.4 Fee and charges reviews, subsequent to year two, will be undertaken on an annual basis, considering any accumulated surplus or deficit on the street trading account. This allows for appropriate management of the account and a clearer system for traders.

10 Implementation of fee and charge proposals

10.1 Following the decision of this Licensing Committee, as set out in the Act, the Council should, as soon as is reasonably practicable by notice in writing inform all licence holders affected by the council's decision as to the determination or variation of fees or charges.

10.2 The Act further states that the fees and charges as determined or varied by the council shall come into force on a date set by the council which

shall be not less than 14 days from the date on which the decision as to the determination or variation of fees or charges was made.

10.3 An implementation date of 1st April 2019 would provide an opportunity for existing traders to plan for the increase in fees and avoid the increase coming in during the winter months, which are traditionally slower for traders. It would also mean implementation at a time when the market strategy is further developed and other initiatives to support traders progressed.

11 Waivers

11.1 The Street Trading Policy 2013 sets out a number of waivers that can be applied to individual licence holders who are impacted by circumstances outside their control that affect their ability to trade from their licensed pitch. They include those traders who are a start-up business or part of an Enterprise scheme and those licensed traders who have had to change their pitch or location due to circumstances beyond their control and who have found this has had an adverse effect on their revenue.

11.2 Any trader may apply to the Licensing Service for a reduction in their daily charge, if they meet the criteria in the street trading policy. Each individual case will be assessed by the Service on its merits

12 Legal Implications

12.1 Whilst the legal implications are set out throughout the body of this report, for clarity, the relevant sections of the Act are set out in **Appendix H**

12.2 Street Trading is 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.

13. **Equalities**

Equalities issues have been addressed through appropriate equality impact assessment.

If you have any queries about this Report please contact:

Rosalind Hick, Team Manager Regulatory Standards at rhick@westminster.gov.uk

Background papers

Licensing Street Trading Policy 2013

City of Westminster Act 1999

APPENDIX A – Proposed Application Fee

	Officer time (mins)			Proposed fees				**Existing Fees**
	Senior Licensing Officer	City Inspector	Env. Health	Fee	Start up business (50%)**	WCC Residents (20%)**	Charity or Community Stall	
New / Variation to sell hot take away food	30	30	120	£260	£130	£208	£0	From 93.73* to169.95
New / Variation to sell fresh produce	30	30	30	£126	£63	£101	£0	
New / Variation to sell non food items	30	30	10	£96	£48	£77	£0	
Minor variation* to remove or add trading days or commodities within the same category	30	15	0	£60	£30	£48	£0	
Application to be on approved list of casual traders	30	15	0	£60	N/A	£48	N/A	48.93
Registration of Assistant for existing licence holders	15		0	£19	N/A		N/A	
Replacement Licence / Licence plate	15		0	£19	N/A		N/A	15.45 plus 2.06
Application for further temporary licence*	15		0	£19	N/A		N/A	

*one fee representing minimal officer time the other fee for more complex cases

**Where more than one discount can be applied for, the higher discount will be used

Appendix B – Proposed Daily Charge Options for Consultation

***5% discount applies to all charges when paid by direct debit**

Option 1	**Standard Charge**	
	Charge across all markets and days	£22.00

Option 2	Higher rate for Hot / take away food traders	
	(hot / take away food trader)	£25.00
	(non-food or fresh produce trader)	£20.00

Option 3	**Area based charge**	
	North (Church Street, Maida Hill)	£21.00
	Central (Berwick Street, Rupert Street)	£24.00
	South (Tachbrook Street, Strutton Ground)	£22.00

Option 4	Tapered Increase * This charge is a two year proposal the taper will apply to Monday - Thursday fees only	
	Year 1 - Monday - Thursday	£16.00
	Year 1 - Friday - Saturday	£22.00
	Year 2 - All days and all markets	£22.00

	Charge if deficit were recovered (not being considered)	£31

APPENDIX C INFORMATION ON FEES AND CHARGES FROM WESTMINSTER WEBSITE

https://www.westminster.gov.uk/market-strategy

Westminster is currently holding a consultation on a strategy for its markets.

We are asking residents, community groups and traders to give their views on a strategy to help the city's 6 street markets thrive. The council wants to help the markets become more environmentally and financially sustainable, offer a more diverse mix of products and invest in new IT and infrastructure.

The consultation includes proposals for a new set of street trading fees and daily charges. Fees and Charges are covered under section 22 of the City of Westminster Act 1999. This provides for the recovery of the reasonable costs associated with dealing with applications – the Application Fee.

It also provides for the Council to recover from licence holders the reasonable costs associated with cleansing (including waste collection) and those costs associated with the administration and the enforcement of the provisions of the Act – the Daily Charge.

The proposed application fees are calculated by assessing the time it takes for each step in the application process. The time has been assigned a cost based on hourly rates.

The options for the proposed daily charge are calculated by taking the number of pitches in markets across Westminster, with an occupancy rate that shows how often these pitches will be used, and identifying the charge that will meet the costs with cleansing (including waste collection) and with the administration and the enforcement of the provisions of the Act. (Costs associated with daily charge)

Details of the proposals are contained within the Licensing Committee Report dated 4 July 2018

Traders, trade associations, residents and other stakeholders can comment and provide feedback.

Visit Open Forum to find out more.

APPENDIX D – CONSULTATION TIMETABLE

Detail	Market	Date
Letter to Licence holders notifying them of report to Licensing Committee	ALL	Thursday 21st June
Licensing Committee hearing	ALL	Wednesday 4th July
Letter & Email to Licence holders following Licensing Committee	ALL	Thursday 5th July
Pre consultation drop in session	Strutton Gd & Tachbrook St	Monday 9th July Friday 13th July
Pre consultation drop in session	Berwick & Rupert Street	Wednesday 11th July
Pre consultation drop in session	Church Street	Monday 16th July
Pre consultation drop in session	Maida Hill	Wednesday 18th July
Letter to traders to start formal consultation	ALL	Monday 6th August
Launch of consultation website	ALL	Monday 6th August
Publication of formal notice in Westminster Gazette	ALL	Friday 14th September
Website update – additional information on fees and charges	ALL	Tuesday 18th September
Drop in session	Strutton Ground	Wednesday 12th September
Drop in session	Maida Hill Place	Wednesday 19th September
Drop in session	Church Street	Tuesday 2nd October
Drop in session	Tachbrook Street	Tuesday 9th October
Drop in session	Berwick & Rupert Street	Tuesday 16th October
On street researchers		
On street researchers		
On street researchers		
On street researchers		
Reminder letter to traders about consultation end date	ALL	Friday 28th September

APPENDIX E– BREAKDOWN OF ADDITIONAL COMMENTS RECEIVED FROM LICENCE HOLDERS IN RELATION TO FEES AND CHARGES

1. Breakdown of comments by subject and market

	Alternative daily charge /concessions	Request not to raise fees	methodology / why change fees now	service / facilities
Berwick Street	1	1	2	2
Church Street	5	6	1	1
Maida Hill				
Rupert Street				
Strutton Ground	3	1	3	1
Tachbrook Street	3	3	1	
Total	**12**	**11**	**7**	**4**

2. Detail of comments

No.	Comment
	Alternative Daily Charge / additional concessions
1	IN MY FAIR OPINION. A FEE OF £16 PER DAY FOR NON FOOD AND FRESH PRODUCE TRADERS AND A FEE OF £20 PER DAY FOR HOT FOOD/TAKE AWAY TRADERS FOR MONDAY TO THURSDAY AND £22 FRIDAY-SATURDAY IN YEAR ONE.THEN A FEE A FEE OF £25 PER DAY IN YEAR TWO FOR FRIDAY AND SATURDAY ONLY BECAUSE CHURCH STREET MARKET NEED A LOT OF IMPROVEMENT
2	It should go on the size of the pitch how much electric is used, and water. And introduce free parking if the pitch fees are going up
3	The charges should be reduced for long time trade
4	Yes give traders six weeks free trading per year for holidays and no charge if they are ill and produce med cert also reinstate weekly payment so there is no arrears
5	Hot food stalls should pay a premium rent as opposed to fresh produce stalls and non food stalls.ie £35 per day
6	Hi right know business are quite even big business also struggling so if u increase 100 percent then no body can afford we know last 12 years u don't increase that's not our fault .so please increase bit by bit like 10 percent now and then give us some time.hope u understand our situation.thanks ur cooperation.
7	As Monday to Friday business are a bit quiet so it must be a cheaper price to trader so we can survive

8	I do not agree with the proposed increase as it is too high. A 10-15% increase sounds fair and it's more manageable for the business.
9	20 pound is OK
10	The charges should rise in line with inflation and not more than that.
11	There should be no charge for bank holidays and Christmas day, at least 1 week free for personal holiday.
12	As a new traders fee should be 50% off for 6 months. This is to ensure that they can get profit that are realiable . Don' t forget we need to take account of parking, fuel for vehicle and storage to keep the business going.and Human resources as well
	Comment / request to keep fees same or lower
13	The charges should remain the same.business have really gone down
14	Present charges is ok
15	Keep them as they are. I have two pitches in Church Street for five days. At present I'm paying £580 a month. Looking at the proposed fees I'm liable to be paying at least £800 a month. Quite how this will encourage new traders I can't imagine.
16	I suggest 15 pounds max
17	Good charges for now...but not happy with increment in charges
18	Hi please don't increase rent like 100 percent if u increase like 100 percent I can't offord.please think about my family.i have children I work then i make some money to feed my family.if I lose my business I can't feed my family hope u understand my situation please increase like 10 percent. Think about that's for your self if ur same situation then how u feed ur family.thanks
19	Don't raise the fees please
20	Keep them low
21	Suggest to live it at minimum ad it is.. 10pounds a day
22	Keep the fees as they are as it's council run market and not a privately run market. There are many markets that are not run by the council and are given to private companies to run who increase the pitch rent to make profit. Markets stalls should be a non profit making scheme for the council as they are already getting paid rent for the pitch being used.
23	Decrease the rent amount because there isn't enough sales happening which means that I am not getting enough profit.
	Comment on methodology and decision to implement new fees now
24	We believe that all these options and charges imply an excessive rate of increase that is beyond inflation or any reasonable and justify account. These proposed increases will seriously affect small and difficult business that provide a vital service to the community with a faulty consultation that only consult rate

	extreme high increases that are more that 30 times the rate of inflation without giving options for reasonable increase.
25	I am finding as a non hot food trader EXTREMELY DISPROPORTIONATE the prices in comparison of what hot food traders can earn in a single day it's nothing compare to what they pay. Hopefully I will became one hot food trader very soon.
26	Charges only in accordance with the act (Westminster 1999) subject to transparency on all costs. No additional charges whatsoever. Reduction of 25% yearly for disruptions. Costs need to be reasonable.
27	None of the above options are preferred as this is approx a 90% increase of our current fees. As you have increased the hot food stalls over and above what we [as long term traders] were promised our income has substantially decreased. I, for one cannot afford such an increase. I understand there must be an increase but not 90%. The current inflation rate is 2.3% so an overall increase of 10% would be fair. This can be reviewed after 1 year. Quoting from your own website [section 22 [1] of the City of Westminster act 1999 'the recovery of reasonable costs" 90% is not reasonable. We are gaining nothing new - no electricity, no water or reduced parking fees. As all of my packaging is bio degradable [this should be compulsory on all Westminster markets] it is in the council's interest to encourage the public to recycle with specialist bins - this should be mandatory.
28	As reasonable as possible
29	They shouldnt raise the fee until the building work is done
30	For me non of those suggestions aren't good.My opinion is ; Council have to find other way to make money for cavering the market cost not to punishet those Market trader. Because council didn't do nothing for Market trader to make eazy live for us.
	Facilities / Service
31	At the moment we are paying for licensing, enforcement, waste and cleaning - unfortunately, the street is never clean! Everything included in the licence we pay at the moment should be at work. On top of that, I would be able to pay if there was storage, facilities, kitchen.
32	The charges are too high.and parking facilities need provided
33	I don't agree with the high rent increase. We don't have water, toilets and electricity and we're not getting anything for the extra fee when other markets already have all those facilities. An increase of 10% would be more fairer.
34	That they are only implemented when a permanent and cost-effective parking solution is implemented for all traders. i.e reduced parking charges at nearby car parks without increases or allowed nearby parking on the street

City of Westminster

APPENDIX F - Costs Associated with Cleansing, Administration and Enforcement

COSTS				
Market	**Administration**	**Enforcement**	**Cleansing**	**Total**
NORTH	45,638.93	158,884.86	465,651.47	670,175.26
CENTRAL	107,045.71	116,108.17	79,919.78	303,073.66
SOUTH	69,171.44	131,385.56	68,227.40	268,784.40
TOTAL	221,856.08	406,378.60	613,798.65	**1,242,033.33**

City of Westminster

APPENDIX G – PROJECTED INCOME FOR DAILY CHARGE BY OPTION 1-4

	Expected Costs 2018/2019	Predicted Income	Deficit
Option 1	1,242,033.33	-1,218,360.00	23,673.33
Option 2	1,242,033.33	-1,204,350.00	37,683.33
Option 3	1,242,033.33	-1,212,328.00	29,705.33
Option 4 (year one)	1,242,033.33	-1,007,448.00	234,585.33

APPENDIX H – Relevant parts of the City of Westminster Act 1999

22 (1) The council may charge for the grant or variation of street trading licences such fees as are sufficient in the aggregate, taking one year with another, to recover the reasonable costs of dealing with such applications

22 (2) The council may recover from licence holders such charges as may be sufficient on the aggregate, taking one year with another, to cover the reasonable costs of-

a) the collection, removal and disposal of refuse or other services rendered by them to such licence holders: and

b) the cleansing of streets in which street trading takes place in so far as that cleansing is attributable to such trading: and

c) any reasonable administrative costs or other costs not otherwise recovered under the Act incurred in connection with the administration of the provisions of this Act; and

d) the cost of enforcing the provisions of this Act

22 (8) The council may determine that a fee be charged, on application, for the grant of a temporary licence under section 21 of the City of Westminster Act 1999. It may under the Act take into account the costs of dealing with applications, the cost of administration and enforcement.

22 (9) of the City of Westminster Act 1999

The Council shall not determine or vary charges made under subsection (2) unless they have first given notice in writing to:-

a) All licence holder affected by the proposal

b) Any body which appears to the council to represent such licence holders

The notice shall

a) Give details of proposed charges

b) State that representations may be made regarding the proposed charges 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.

c) Be accompanied by a statement showing how the proposed charges have been computed

22 (15) As soon as practicable the council shall by notice in writing inform all licence holders affected by the council's decision as to the determination or variation of fees or charges.

22 (16) The fees and charges as determined or varied by the council shall come into force on a date set by the council which shall be not less than 14 days from the date on which the decision as to the determination or variation of fees or charges was made

City of Westminster

Committee Report

Date	**28 November 2018**
Classification	**For General Release**
Title of report	**Street Entertainment Policy: Information Report**
Report of	**Director of Public Protection and Licensing**
Decision maker	**Licensing Committee**
Wards involved	• **St James's** • **West End** • **Marylebone**
Report author and telephone	**Kirsty Munro, Principal Policy Officer Tel: 020 7641 3639**

1.0 Purpose of the Report

1.1 This report sets out the current work underway by officers to design a Street Entertainment Policy, which aims to ensure a better environment for performers, residents, businesses and visitors. A range of locally designed solutions to improve the management of Street Entertainment is currently being considered, including the option of introducing a licensing scheme, and therefore this opportunity is given to the Committee to feed in perspectives and early thinking to the proposals.

2.0 Cultural Contribution of Street Entertainment in Westminster

2.1 Street Entertainment in Westminster is a historical and significant practice for transforming our spaces into places – providing energy and character aligned with well-being and urban vitality. Our city is not just about globally recognised destinations, shops, bars, restaurants and public transport, it is about people, and street entertainment provides a rare opportunity that encourages people to pause within the inner city bustle, engage with, and share cultural experiences with strangers.

2.2 Street entertainment (also commonly known as busking) in Westminster's public spaces includes an array of live music, dance, street theatre, comedy, performance and art for the purposes of entertaining, interacting with members of the public, and receiving voluntary contributions. Street entertainment also includes our portrait artists who

operate in fixed pitches in Leicester square, under street trading laws and charge an agreed fixed sum in exchange for their services. In our City we are lucky to have such a variety of local, national, and international street entertainers, which helps us to diversify our economic offer and encourages an inclusive environment that captures all interests from across generations, as well as being an extremely popular cultural asset with our visitors.

2.3 Live performance helps to support our economy. It helps to increase dwell time in public spaces, and businesses can benefit from increased trade from the buzz that performances create, that keeps tourists coming back and builds London's creative reputation. For the performers themselves Westminster provides a high profile platform that gives the chance for performers to develop and grow their acts in front of the public, with some world famous acts having started their careers performing on our streets. Our central location also attracts high footfall, which supports performers to maximise their income.

3.0 Adverse impacts of Street Entertainment

3.1 As with all use of public space, there is the expectation that everyone will act reasonably and considerately in sharing the space with everyone (i.e. residents, business, visitors and other buskers).

3.2 Our city is a vital part of the wider global economy and inconsiderate or excessive noise from street entertainment can lead to meetings being disrupted, rooms having to be taken out of use, and customers choosing to take their business elsewhere. Whilst a single amplified or loud performance may not have a detrimental impact, street entertainers need to be mindful that a consecutive series of loud, amplified and repetitive acts throughout the day can cause severe distress and discomfort for those businesses and residents who remain static in the surrounding area.

3.3 The table below demonstrates the total number of predominantly noise related complaints received annually to the council about street entertainers since 2015/16.

Table 1: Number of complaints received about Street Entertainers by year

2015/16	2016/17	2017/18	2018/19
2357	2557	1733[1]	745 (August)

3.4 In addition to the impact of noise, street entertainment can indirectly pose a risk to public safety. Whilst the council do not receive many direct complaints of this nature, our officers often observe and experience that street entertainment on already congested streets can:

- prevent the ease of flow of pedestrian traffic

[1] This reduction comparative to the previous year was a result of the council employing 4 dedicated officers to support and manage street entertainers explained further in para 5.4.

- cause obstructions to through fares or business entrances/exits
- cause crowds to spill onto roads
- create opportunities for anti-social behaviour and crime

3.5 There are also sometimes risks associated with exploitation of street performers, and officers are recently observing an increase in the use of animals as part of performances, which has worrying animal welfare implications.

4.0 Legal framework for Street Entertainment Enforcement

4.1 The council have a number of existing enforcement powers to tackle Street Entertainment that is deemed to be causing a nuisance during the day, and have achieved varying levels of success in individual cases. This includes Community Protection Notices, Noise Abatement Notices or Obstruction of highway notices.

4.2 Furthermore amplification is only permitted between 08:00 until 21:00, and Officers are able to take enforcement action under the Control of Pollution Act if heard outside of this time.

4.3 The Council however has been critised by both performers and residents/businesses for not making better use of the available enforcement powers to tackle the worst offenders. However whilst an enforcement framework exists in law, the following problems arise in practice:

- Warning letters or enforcement notices can only be effectively issued to an individual if the council has access to the perpetrators full name and address. Council officers alone cannot compel street performers to provide their personal details, and require the support of the Police to gain this information. Current Police resources are understandably prioritised for the prevention of high level criminal activity.
- The threshold of evidence we are required to provide to the court when taking formal enforcement action is very high, requiring considerable support and resource to achieve, and which is further compounded by the transient nature of street performers making it difficult to evidence a persistent issue.
- When enforcement action is being been pursued, the final decision on the action to take is made by the court.
- The transient nature of street performers means that even if one bad performer is moved on, or enforcement action is taken, they are replaced by more of the same.

5.0 Historical Council Interventions

5.1 Increasing regulation of Street Entertainment has been periodically considered over a number of years. Westminster has however always sought to avoid formal regulation of street entertainers, choosing to instead encourage Street Entertainers to set up

informal management groups, self-regulate and (more recently) abide by the 'Busk In London[2]' Code.

5.2 This approach has delivered a well established managed scheme on the West Piazza of Covent Garden, where performers are required to join a Street Performers Association (SPA) voluntarily run by the performers themselves and enter a draw each morning to determine who will be performing that day. Having an SPA formed in this area has provided the council and CAPCO an organised point of contact to raise issues of concern. However the remainder of Covent Garden is not managed by the SPA and complaints are still received from businesses and residents despite their being private security provided by the landowner and two WCC Inspectors provided 08:00 to 20:00 hours.

5.3 In many of the other popular 'pitches' in Westminster, e.g. Leicester Square, informal queuing systems have been created whereby performers will take a 'first come first perform' approach. Performers also take it upon themselves to talk with others who are being too loud, and whilst the majority will act upon this peer advice, there continues to be those who act unreasonably and employ bullying tactics with other performers. This current method of self-regulation does not provide the desired level of protection from excessive noise for businesses and residents.

5.4 Since January 2017 the council took a targeted approach and deployed 4 dedicated City Inspectors who actively monitor and respond to any issues raised by the performers, or complainants. Our officers have proactively observed and monitored c.2200[3] performances since their implementation. Officers observations include regular interventions to correct behaviours that are non-compliant with the Busk in London code, however whilst behaviours are not consistent with the code they are not so severe as to result in formal enforcement action.

5.5 Whilst the implementation of these officers saw a 30% reduction in complaints from 2016/17 – 2017/18, their ability to effectively manage issues raised are restricted by the powers available, and are limited to voluntary requests for performers to cease, offers of advice and guidance, and using deterrents to tackle bad practices. Only in very serious incidences where officers can strongly evidence an individual persistently causing a negative impact by acting unreasonably or refusing to co-operate, can the council intervene with stronger action.

Portrait Artists

5.6 Since 2015, the council have managed a temporary licensing scheme for our Portrait Artists. This type of street entertainment differs slightly from other entertainment as it

[2] The Busk in London Code is a Mayor of London Initiative that sets out a set of simple ground rules to ensure performers are considerate to their surroundings, prevent a risk to public safety and are fair to other performers.
[3] To note that this is the number of observations made only and is not reflective of the total number of performances or buskers operating across our borough.

aligns with a form of street trading i.e. the customer agrees to pay a fixed fee in exchange for an expected/advertised level of service.

5.7 The Portrait Artist scheme currently runs with a set number of registered artists, and pitches are located in 3 areas:

- Swiss Court by the Glockenspiel
- Leicester street
- Charing Cross road

5.8 This scheme runs fairly successfully, however improvements are required and the artists have requested that the Council review the current location of pitches. The council will therefore be reviewing the current scheme, taking our lessons learnt, and integrating them as part of the wider street entertainment policy proposals.

6.0 Policy Proposal: Taking a Different Approach

6.1 Previous and current interventions have been unsuccessful at driving the right environment for all, therefore we now need to take a different approach that manages the needs and interests of all stakeholders in the fairest way possible.

6.2 As part of our new approach we will be considering a package of interventions including:

- Improvements to Street Entertainment Management
- Options to support and promote the Street Entertainment Industry, and facilitate ongoing communication between performers, residents and businesses
- Ways to support the small number of performers who may require additional social support.

6.3 Recognising that Street Entertainment and the challenges arising are different in our different local areas, we are proposing to deliver locally designed schemes in collaboration with performers, businesses and residents. We want to ensure that this approach is the right one to take, therefore we initially propose to pilot locally designed schemes in the following areas:

- Oxford Street
- North Terrace of Trafalgar Square
- Leicester Square

6.4 Having a pilot will support our understanding of what does and does not work across different areas and allow us to amend our schemes in response, allow us to manage our resources responsibly, and provide us with considerations to review ahead of rolling out the approach to other areas of the city.

6.5 Whilst the detail and implementation of locally designed schemes will be tailored to the area, each scheme must demonstrate they are sustainable for the long term and have met/mitigated the following principles:

- Nurture and encourage great diversity of performances in our borough by ensuring acts have an equal opportunity to perform in the areas most sought after.
- Reduce the impact and cumulative impact of amplified or 'loud' acts.
- Manage the volume of performers within designated areas to prevent 'noise clash' in the surrounding environment, and support the management of crowds.
- Improve public safety and comfort of using public space by restricting or preventing performances in areas where there is an identified risk of obstruction or for pedestrians to spill out onto roads.

6.6 Engagement is already underway with the performers, residents and businesses to discuss needs and manage the balance of expectations. We have also to date held three independently run collaborative workshops which included officers from the council, performers, residents and businesses to begin co-designing solutions that strike the balance for all. Engagement with the surrounding pilot areas are also being held to manage concerns of displacement, as well as considering the lessons learnt from what other cities in London have implemented (Appendix A).

6.7 Collaborative engagement is set to continue until the end of the year, with some of the options being discussed including:

- Licensing (Under the provisions within Part V London Local Authorities Act 2000) – considering both a light touch and prescriptive approach
- Street Performers Associations – replicating the Covent Garden model
- Improved enforcement resources – review of how the council can improve its current interventions and response
- Street Entertainment Forums – developing a platform of consistent and ongoing engagement between all stakeholders
- An amalgamation of a range of solutions to create a holistic and sustainable response

7.0 Next Steps

7.1 The council have committed to delivering a Street Entertainment Policy by Summer of 2019. If licensing is an option to be pursued then a report on the detail of the scheme designs will be brought to the Committee in the New Year.

If you have any queries about this report or wish to inspect any of the background papers, please contact:

Kirsty Munro, Principal Policy Officer

Appendix A: Schemes other London cities have implemented

GLA: In 2015, the Mayor of London introduced the 'Busk in London' initiative, which aimed to support and promote street performance, to *"make London the most busker friendly city in the world".* It also provided comprehensive information on where street entertainers can perform (which Westminster participated in), and a set of guidelines for performers, the police, councils, business, residents and visitors understand the law and best practice. However, the guidelines are voluntary and do not effectively implement any tangible controls that tackle the adverse impacts, concerns and complaints arising from businesses and residents. Therefore individual Local Authorities and agencies, are developing locally based schemes to strike this balance.

Transport for London: has 35 official busking pitches on the Underground, and performers are assessed by a panel of music industry experts before they are granted a licence to busk.

Camden Council: In 2013, Camden adopted powers under Part V of the London Local Authorities Act 2000, to license busking. Anyone now wishing to perform must have a licence, or they are committing an offence. There are two types available to performers. 1) A Standard Licence is subject to Camden's Standard Conditions including restrictions on permitted times of 10am to 9pm, certain types of instruments such as percussion and wind instruments, and also amplification. Standard Licences can only be used by solo or duo performers. 2) A Special Licence is required when a performer seeks to amend or vary these conditions, for example performing with amplified or percussion instruments, or if there are more than two performers.

Hillingdon Council: licenses performers to busk in 4 designated pitches at specified times of the day, and prevents busking in any other area of the borough.

Southwark (private land along the Southbank): encourages street performers to use the designated street entertainment pitches along the bankside. These pitches are free to use without the requirement of a licence.

Hammersmith & Fulham Council: allows all forms of busking across the borough, however implements a Public Space Protection Order (PSPO) outside shepherd's bush station to prevent all forms of busking in this area between prescribed times.

Royal Borough of Kensington & Chelsea: recently had a street entertainment policy out for consultation, and 70 % of respondents were in support of the council implementing a PSPO.

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City of Westminster

LICENSING COMMITTEE REPORT

Date	**28 November 2018**
Classification	**For general release**

Title or report	**Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**
Report of	**Director of Public Protection and Licensing**
Decision maker	**Licensing Committee**
Wards involved	**All**
Financial summary	None
Report author and telephone	Steve Rowe, Licensing Team 1 Manager Ext. 7825

1 Executive Summary

1.1 On 1 October 2018, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. These regulations (the Regulations) replace some of the existing legislation in relation to animal licensing regimes, which will be repealed at the end of 2018. They will provide a single licensing regime for a number of animal related activities.

1.2 The Regulations represent the Government's continuing commitment to review and reform pet licensing controls, and specifically, to update the licensing system for dog breeding, pet sales, riding establishments and animal boarding establishments. The Regulations also modernise the process for animal exhibits.

1.3 The Department for Environment, Food and Rural Affairs (DEFRA) has provided all local authorities with application forms and guidance documents relating to these new Regulations, to assist with their successful implementation over coming months.

1.4 Current legislation which is to be replaced is as follows:

- Pet Animals Act 1951 (Pet Shops)
- Animal Boarding Establishments Act 1963
- Performing Animals Act 1925
- Riding Establishments Act 1964
- Breeding of Dogs Act 1973

1.5 Zoos and Dangerous and Wild Animals will continue to be licensed under existing legislation.

1.6 The information detailed in this report outlines the key changes in relation to animal licensing controls, and steps towards implementation.

2 Background

2.1 Licensing and registration systems regulating the five animal activities of pet shops, animal boarding, riding establishments, breeding animals and performing animals are outdated and complex.

2.2 Westminster's primary focus, in terms of animal licensable activity, has always been in relation to the welfare and exhibition of wild animals to the public within a zoo environment. The council's Licensing Service works in conjunction with City of London Vets acting as the council's Animal Welfare officers, in this field of work.

2.3 The Licensing service is also responsible for licensing of animal boarding and riding establishments within the City. We currently license one known animal boarding establishment and two riding stables, which are open to the public. The use of horses for military or police purposes remain exempt under the new Regulations.

2.4 The council also delivers an Animal Warden's service, ensuring the welfare of dogs and stray dogs, and delivering the council's statutory responsibilities for collecting, kennelling, rehoming and promoting responsible ownership as required within the Animal Welfare Act 2006.

2.5 The new Regulations create up-to-date minimum welfare standards, seeking compliance from all those responsible for boarding, breeding, exhibiting and recreational use involving animals. They also streamline the system and provide clarity for both local authorities and business. In developing standards, the government has worked closely with stakeholders from the sector, animal welfare organisations, local authorities and veterinary bodies.

2.6 Schedules attached to the new Regulations provide detailed animal welfare standards for each of the activities listed. These standards impose clear welfare conditions on anyone who receives a licence for dog breeding, selling pets, boarding dogs and cats, hiring out horses or keeping or training animals for exhibit. This will make it easier for those operation within this industry to understand their responsibilities within legislation and easier for authorities to administer and control.

2.7 Under previous legislation, breaches of conditions or unlawful trading required local authority attendance at Magistrate's court for prosecution and subsequent licence revocation on conviction.

2.8 New Regulations allow the local authority to vary, suspend or revoke a licence without the need for legal action, making the process easier to enforce, with the likelihood of an expedited result.

2.9 Changes in legislation will initially have little impact on our animal licensing regime. However, these changes will strengthen and support welfare elements of the Animal Warden Service, and the increased legislative focus on breeding establishments, specifically dog breeders, is likely to increase activity, demand on resource and our future approach.

3 Key Changes

General

3.1 Each of the regimes has a general set of conditions (under Schedule 2 of the Regulations) as well as its own set of standard conditions (under Schedule 4 of the Regulations).

Risk Rating

3.2 The new Regulations provide two guidance tables for inspecting officers, setting out a risk rating process for welfare standards of operators and to determine whether an operator is high or low risk.

Appendix A illustrates the scoring matrix for Welfare Standards.

3.3 All operators will receive a risk rating from one to five stars, based on the welfare standards that they adopt and their compliance record. For example, a new operator who has no evidence of compliance will start at one star and will receive a licence for 1 year. During the licensed period, the operator will be visited by an inspecting officer (the City of London Vet) where a further assessment will be conducted and the operator will be reassessed to see if they meet the standards to achieve the next star level. This is a statutory requirement and provides a consistent approach for all operators.

3.4 The only exemption to this system is those persons keeping and training animals where the licence is automatically granted for 3 years under the new Regulations.

Dog Breeding

3.5 Consultation highlighted concerns associated with the behaviours of unscrupulous businesses, breeding dogs in poor conditions for maximum profit, and recognised the need for more restrictions on the breeding and selling of dogs.

3.6 Regulations have changed the definition of dog breeding, now including both large and small-scale dog breeders.

3.7 All businesses involved in breeding and selling dogs will need a licence. In addition, individual breeders will also need a licence if they breed three or more litters a year, and sell any of them. Where evidence is provided by the breeder that none of the puppies have been sold, they will not need to be licensed.

Animal Boarding

3.8 Anyone, providing or arranging for the provision of boarding for cats or dogs (including day care) will need a licence. Prior to the new Regulations the guidance was unclear. Now there are individual guidance documents for each animal activity including:

- Boarding in Kennels
- Home Boarding Cats
- Home Boarding Dogs
- Day Care for Dogs (Businesses which provide daytime accommodation for dogs away from the dogs normal place of residence and do not keep them overnight).

3.9 Activities such as dog/cat sitting and dog walking, where an animal remains cared for within its normal place of residence, continues to remain unlicensed.

Pet Shops

3.10 Under the new Regulations, all commercial sales require a licence, including those that take place online.

Performing Animals (Keeping and Training Animals)

3.11 Currently, licences are granted for life with no compliance checks after the initial grant. Under the new Regulations, all licences will be granted for three years and will require the registration holders to renew so that their suitability is revaluated on a tri-annual basis. There is no risk assessment applied to such activities.

4 Next Steps

4.1 The Licensing Service is currently implementing new processes in accordance with the Regulations. During the transitional period the Service will ensure that officers are adequately trained and will introduce an enforcement process in partnership with its Animal Welfare Officers from the City of London Veterinary Service, the Animal Warden and the City Inspectors.

4.2 The Service has updated it website with details of the new Regulations and has attached all of the guidance documents, conditions and application forms produced by DEFRA.

4.3 Contact has been made with the current licence holders advising them of the changes and new requirements under the Regulations.

4.4 In order to inform residents, landlords, businesses and key stakeholders of the new Regulations the Licensing service is working with the council's Communication Team and will publish a summary of changes in the 'My Westminster News Letter', we will also advertise through our social media platforms. This will be in addition to the national campaign advertising these new Regulations. The service is also engaging with the Animal Warden to ensure proactive communication to key stakeholder groups within the community.

5 Financial Implications

5.1 This activity will be funded by full cost recovery.

6 Background Documents

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Procedural Guidance
Guidance notes for boarding cats and dogs
Guidance notes for breeding dogs
Guidance notes for day care for dogs
Guidance notes for exhibiting animals
Guidance notes for hiring out horses
Guidance notes for selling animals as pets

Appendix A

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	**Minimum Standards** (as laid down in the schedules and guidance)	**Higher Standards** (as laid down in the guidance)
Risk	**Low Risk**	**1 Star** 1yr licence Min 1 unannounced visit within 12 month period	**3 Star** 2yr licence Min 1 unannounced visit within 24 month period	**5 Star** 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	**1 Star** 1yr licence Min 1 unannounced visit within 12 month period	**2 Star** 1yr licence Min 1 unannounced visit within 12 month period	**4 Star** 2yr licence Min 1 unannounced visit within 24 month period

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Committee Report

Date	**28 November 2017**
Classification	**For General Release**
Title or report	**Inclusion in the Evening and Night Time Economy Policy and Scrutiny Task Group**
Report of	**Director of Policy, Performance and Communications**
Decision maker	**Licensing Committee**
Wards involved	**All**
Financial summary	**The costs associated with this task group will be funded via the Scrutiny budget and all staffing resources required will come from existing budgets.**
Report author and telephone	**Aaron Hardy, 020 7641 2894**

1. Executive Summary

1.1 At its meeting on 20th September 2018 the City Management and Public Protection Policy and Scrutiny Committee agreed to establish a task group to investigate inclusion in the evening and night time economy. This report presents the terms of reference of the task group to the Licensing Committee.

2. Recommendations

2.1 That the Committee note the terms of reference of the Inclusion in the Evening and Night Time Economy Task Group.

3. Background

3.1 In June 2018, anecdotal reports surfaced that some nightclubs in the West End had discriminatory admission policies. As part of the council's response to these reports, the Cabinet Member for Public Protection and Licensing requested that the City Management and Public Protection Policy and Scrutiny Committee carry out an investigation into inclusion in the evening and night time economy.

3.2 At its meeting on 20th September the committee established a task group to undertake this investigation. The task group will be led by Councillor Iain Bott.

The scope of the task group

3.3 The task group will focus on addressing the key questions identified in the scoping document with the aim of making recommendations to public agencies and partners, including the council.

3.4 The proposal for the task group is the investigation will cover all of the protected characteristics set out in the Equality Act 2010. However, it is likely that the focus will be on age, disability, race, sex and sexual orientation. In order to focus the scope of the review, the task group will only examine Westminster's dance entertainment venues (nightclubs) which operate within the evening and night time economy.

Westminster City Council's responsibilities in this area

3.5 The Council has a duty under the Equality Act 2010 to, 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 under the Equality Act;
b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.6 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. Under the Equality Act there are 9 protected characteristics:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

3.7 As a licensing authority, the council should be mindful of requirements and responsibilities placed on it by legislation, including the Equality Act when carrying out licensing functions.

The council's vision for the night time economy

3.8 The council is currently developing a vision for the evening and night time economy. The vision will include commitments to promoting an inclusive offer in the evening and night time economy. The task group's findings will feed into this work.

The Hate Crime Commission

3.9 The task group's work is separate to the work of the Hate Crime Commission. The Hate Crime Commission has been established by the Cabinet Member for Public Protection and Licensing in order for the Council, the MET and the community itself to be held accountable for tackling Hate Crime within Westminster. The Commission itself will consist of a panel that will represent to the best of its ability, the protected characteristics that are affected. Additionally, there will members who are professionals in the area or of the groups to be invited to provide insight and evidence, from which recommendations will be made.

Task group timetable

3.10 The task group is currently in the research phase of its work. As well as evidence gathering sessions with relevant witnesses and desktop research, the task group is currently planning primary research to gather the experiences of residents and visitors with regards to inclusion in the evening and night time economy. The intention is for the task group to report its findings to the City Management and Public Protection Policy and Scrutiny Committee in April 2018.

4. Financial Implications

4.1 The costs associated with this task group will be funded via the Scrutiny budget and all staffing resources required will come from existing budgets.

5. Legal implications

5.1 Legal comments will be added prior to publication.

6. Equalities Impact

6.1 Although this report has no specific impact on equalities the purpose of the task group is to seek to identify if there is any evidence that there are barriers to inclusion within and access to Westminster's dance entertainment venues (nightclubs) for any group.

Appendices

Appendix 1 – Inclusion in the Evening and Night Time Economy Task Scoping Document

If you have any queries about this report or wish to inspect any of the background papers, please contact:

Mr Aaron Hardy
Tel: 020 7641 2894
Email: ahardy1@westminster.gov.uk

APPENDIX I

Inclusion in the Evening and Night-Time Economy task group scoping paper

Objective(s) ***S**pecific, **M**easurable, **A**chievable, **R**ealistic* ***T**imescale*	To produce a report on inclusion within, access to and diversity in Westminster's dance entertainment venues (nightclubs) which operate within the evening and night-time economy, identifying areas of best practice and making recommendations aimed at further improving standards. To report to the City Management and Public Protection P&S Committee by April 2019
Key questions	What is the experience of visitors, residents, workers and venues? What are the behaviours and barriers associated with inclusion/exclusion? What are the areas of best practice? How can local public agencies and partners help support and improve inclusivity?
Intended outcomes	To produce a report on inclusion with focus (where appropriate) on the characteristics protected under the Equalities Act 2010, namely: • race, disability, age, marriage and civil partnership, pregnancy and maternity, sex, gender reassignment, religion or belief, and sexual orientation This report will reflect: • experiences of visitors, residents, workers and venues • areas of best practice • opportunities for more effective enforcement of trading standards and industry-led improvements • the roles of public bodies, venues and industry bodies To contribute to the Council's strategy concerning the Evening and Night-Time Economy
Methodology	Desktop research Data collection Site visits Evidence gathering sessions with industry groups, licensing authorities and members of the public Call for evidence on key questions
Key witnesses/contacts	Night Time industries Association GLA Police

Inclusion in the Evening and Night-Time Economy task group scoping paper

	Cross section of visitors and workers, including young people from all backgrounds Promoters Venues Trading Standards Planning Licensing Surveyors SIA LGBT+ Community groups (e.g. LGBT Foundation, IMAAN) BAME group representatives (e.g. Coalition of Race Equality Organisations – CORE) Groups which represent pregnant women (e.g. National Childbirth Trust) Disability Groups (e.g. Disability Rights UK) Groups representing age (e.g. Age UK, OPAAL) Religious groups (e.g. Christian Action Research and Education - CARE, London Society of Jews and Christians, Muslim Council of Britain)
Timescale	Report to City Management and Public Protection Committee in April 2019
Notes	Venues to be limited to nightclubs in Westminster for the purposes of this report

City of Westminster

Westminster City Council
westminster.gov.uk

Committee Report

Date	28 November 2018
Classification	General Release

Title or report	**Notting Hill Carnival 2018 Summary**
Report of	**Director of Public Protection and Licensing**
Decision maker	**For information Only**
Financial summary	None

1. Executive Summary

1.1 This report provides a summary of the work undertaken by the City Council in relation to Notting Hill Carnival 2018.

1.2 A range of council departments and services worked collaboratively to facilitate this year's event. These included; licensing, environmental health, city promotions, events and filming, city inspectors, highways, contingency planning, communications and parking. The council's cleansing contractor Veolia oversaw the cleansing operation for the event.

1.3 Notting Hill Carnival once again benefitted from a multi-agency planning approach, with the council working alongside RBKC, GLA, the Metropolitan Police Service, London Fire Brigade, London Ambulance Service, Transport for London and the event organisers to facilitate the event.

1.4 In line with previous years, operational planning took place via multi-agency Operational Safety Planning group meetings with strategic direction provided by the Strategic Partners Group. The council plays an integral part within both groups.

1.5 A new event organiser - Notting Hill Carnival Limited (NHCL) - assumed responsibility for the 2018 Carnival, taking over from the London Notting Hill Carnival Enterprise Trust who had been running the event for a number of years. This change of organiser provided an opportunity for all agencies to review previous activities and for a range of changes to be implemented with the support of the event organiser.

1.6 From a Westminster perspective, the key changes implemented at this years event were;

- The reconfiguration of the Judging Zone and its management to assist with the movement of crowd flows and parade vehicles on Westbourne Park Road which had historically caused issues, in particular for Westbourne Park tube station;
- Increased engagement with Sound Systems and Street Traders to improve working practices and to increase assurance around their respective operations;
- A significant increase in the number of toilets provided by the council within the event footprint;
- Extension of the post event garden cleansing service to allow residents an opportunity to sign up post event for the first time;
- Increased presence at public meetings in the run up to and after the event;
- A coordinated email address was set up to manage all incoming communication with the Council which aided significant improvements in responding to resident questions;
- Improved engagement with ward councillors with a pre-event briefing and post event debrief opportunity.

2. Sound Systems and Street Trading

2.1 In line with previous years, a total of six Sound Systems operated within the Westminster footprint at this year's Carnival.

2.2 Four Sound Systems operated under premises licences, one more than in 2017, with the other two operating under Temporary Event Notices.

2.3 A Sound System guidance document was produced in conjunction with the event organisers and RBKC to better support them in their preparations and delivery of the event.

2.4 All sound systems were monitored over the course of the weekend to assess crowd numbers and behaviours, noise management and overall compliance.

2.5 Street trading pitches were reviewed based on feedback from 2017 and then re-numbered and marked to ensure accuracy. Additional Sound System trading pitches were added in Shrewsbury Road and St Luke's Road to better support the dynamics of the event. The number of street trading pitches was largely consistent with recent years (34 pitches occupied out of 43 available).

2.6 The Council's licensing, environmental health and city promotions, events and filming teams all attended pre-event meetings with both Sound Systems and Street Traders. The purpose of the meetings was to provide support and guidance to the operators

and to encourage a more robust approach towards their event documentation and operational planning. The feedback from these sessions was hugely positive and this is something that will be implemented again as part of the planning process for next year's event.

3. Pre-event activity

3.1 Officers attended and contributed to a variety of planning meetings throughout the year. These included the multi-agency Operational Safety Planning Group Meetings (OSPG), Crowd and Visitor Management Group (CVMG) and internal service meetings, all of which were chaired by City Promotions, Events and Filming team.

3.2 Ongoing liaison directly with Sound Systems to review their event plans to ensure they have measures included to support the management of their licence and also to refine their site plans based on debrief reports and crowd management insights.

3.3 In addition to the review of street trading pitches increased guidance and support was provided – including EHO led training sessions.

3.4 87 private building sites visited to ensure removal of any structures or objects that represented a risk. Additional liaison took place with construction sites to ensure sites were closed down over the weekend to comply with the works moratorium.

3.5 Local licensed premises were visited to ensure they were familiar with their licensing conditions and prepared for Carnival. This was a task was facilitated by both City Inspectors and Westminster Police Licensing Team.

3.6. Pre-event checks carried out re: parking suspensions, gully's, tree canopies, trading pitches and toilet installations.

3.7. Significant and ongoing involvement in the issuing of premises licenses and temporary event notices.

3.8. Co-production and distribution of the resident booklet throughout the area (in partnership with RBKC).

3.9. Senior officers ensured that all council employees were given full safety and welfare briefings prior to deployment on the ground.

4. Roles over the event weekend

4.1 Ongoing presence within the event control room with direct radio links to officers on the ground. This enabled City Events, Filming and Promotions Officers to directly task the City Inspectors via our radio network and receive feedback from them.

4.2 Additionally, Westminster operated a command and control vehicle within the footprint of NHC.

4.3 City Inspectors supported the set up of licensed traders each day, facilitating access and checking accreditation before inspecting their set up with support from EHO's. Proactive compliance visits were carried out across all licensed street traders over the Carnival weekend. This included facilitating access to the event footprint, checking accreditation and then inspections at the start of each day to ensure pitches were safe to trade.

4.4 Officers on the ground proactively monitored the compliance of licensed street traders and sound systems, dealing with noise complaints and other issues as required – including any illegal street trading.

4.5 There was a total of 8 seizures of unlicensed street trading items over the weekend. The seizures included items such as beer, horns, whistles and flags.

4.6 In total 21 noise complaints were dealt with by the City Inspectors.

4.7 Additional toilets were installed and monitored prior to the start of NHC. This was a specific request on account of the increased number and differs type of toilet being used.

4.8 City Inspectors remained on site to monitor the clean-up, working closely with Veolia to ensure all areas were cleaned as required and to the necessary standard.

4.9 In addition to the Veolia street cleansing operation, a graffiti team was deployed post event to the event area.

5 Metropolitan Police Service (MPS)

5.1 Close working relationships were in place throughout the planning and the event at Gold, Silver and Bronze levels. With additional stewards being deployed, where possible MPS aim was to reduce their crowd management duties and focus more on core policing of crime and disorder.

5.2 MPS in 2018 installed 2 knife arches as part of their tactic to disrupt violent crime, one of which was located in Westminster.

5.3 Section 60 Stop and Search was implemented by MPS on both days of the event.

5.4 MPS Gold advised post event that the changes implemented by the event organisers were well received and that significant improvements had been made.

6 Key statistics

- 30 Council staff directly deployed each day in addition to on call teams
- Over 750 hours worked over the weekend
- 1307 parking bays impacted
- 10 TENS issued across the weekend
- 8 seizures
- 200 tonnes of waste removed by Veolia
- 3,553 Section 60 stop and searches carried out over the 2 days
    - 1,165 offences recorded by MPS (correct as of 13th September),
        - 1,092 of these were recorded over the weekend
        - 707 offences recorded in 2017.

7. Ward Councillor Engagement

7.1 A pre-event briefing was held by Officers for Ward Councillors where an event overview with key changes was presented along with opportunity to answer questions.

7.2 Information was shared pre-event in written form in terms of contacts for during the event if required.

7.3 A post event debrief was also held to enable Ward Councillors to raise any issues from their constituents.

6. Carnival 2019

Following a series of debrief, plans are already underway for Carnival 2019. Key updates include;

- RBKC have confirmed the recipient of a 3 year grant award will be Carnival Village Trust (trading as Notting Hill Carnival Limited) to support the event management of the Carnival. The overall value of the funding is £300k (£100k p.a)
- The recipient of this funding will assume the status of the event organiser of the Notting Hill Carnival
- Planning will now begin in earnest with the first OSPG taking place in December
- The council contributed £50k funding towards the event management of Carnival in 2018. To provide the organisers with greater certainty, the council is also seeking to confirm a funding of £50k pa for the next three years
- RBKC and WCC are seeking to jointly procure a contractor to oversee toilet provision at the event.

If you have any queries about this report please contact:
Katherine Eaton x2633

City of Westminster

Licensing Committee

Item No:	
Date:	**28 November 2018**
Classification:	**For General Release**
Title of Report:	**Licensing Appeals**
Report of:	**Bi-Borough Director of Law**
Wards involved:	**Not applicable**
Policy context:	**A business like approach**
Financial summary:	**None**
Report Author:	**Heidi Titcombe** **Principal Solicitor for the Bi-Borough Director of Law**
Contact details	**Tel: 020 7361 2617** **Email: heidi.titcombe@rbkc.gov.uk**

1. Summary

1.1 This report provides a summary of recent appeal results.

2. Recommendations

2.1 That the report be noted.

3. Background

3.1 Over the last quarter we have been dealing with one appeal which was successfully dismissed in October 2018, as specified in section 4 of this report. All previous licensing appeals having been completed as specified in the July 2018 report. We are also dealing with the Hemmings case as specified in section 6 of this report.

4. Licensing Act 2003 Appeals

4.1 The Windmill 17-19 Great Windmill Street, London W1D 7LQ – dismissed but subject to an appeal to the Crown Court

4.1.1 The Council received a renewal application of the sexual entertainment venue ("SEV") premises licence from Big Country Ltd to provide full nudity striptease, pole dancing and table dancing between the hours of 09:00 to 05:30 on each of the days Monday to Saturday and from 14:00 to 03:00 on Sunday at The Windmill. The Applicant did not ask to change the relevant entertainment or remove any standard conditions of the licence.

4.1.2 The renewal of the SEV licence was opposed by a campaign group alleging that the club allowed groping, pinching and slapping of the performers. The objector employed covert ex-police officers to observe what was happening within the venue and statements from the officers concerned were submitted as evidence before the Licensing Sub-Committee. The objector also contended that that conditions on the licence were being breached and therefore the current owners and management were not fit and proper persons to hold an SEV licence.

4.1.3 The Westminster City Inspectors also submitted an objection to the renewal application on the basis that they had observed breaches of some conditions of the licence; that the CCTV also needed to be improved to allow for better coverage of the premises and that criminal activity was taking place at the premises.

4.1.4 On the 11 January 2018 the Licensing Sub-Committee refused to renew the SEV licence application as it was considered that the Applicant was not suitable to hold the SEV premises licence.

4.1.5 Big Country Ltd appealed this decision and the appeal took place on 8, 9 and 10 October 2018 at the Westminster Magistrates' Court

before Chief Magistrate Arbuthnot. The Judgment was handed down on Monday 22nd October 2018, whereby the appeal was dismissed. The Council is seeking its costs from the Appellant.

4.1.6 There is a right of appeal to the Crown Court and on 6 November 2018 the Appellant lodged an appeal with Blackfriars Crown Court. This will be a complete re-hearing of the case and new evidence can be produced by all Parties. We are currently awaiting details of the directions which will be made by the Court in order to determine the appeal and Members will be updated in due course.

5. RECORD OF APPEALS

5.1 To date, 475 appeals have been received since the Council took over the licensing functions from the Magistrates' Court in February 2005. 474 of these appeals have been heard / settled / withdrawn etc. as shown below:

- ☐ 220 withdrawn
- ☐ 166 settled
- ☐ 59 dismissed
- ☐ 16 allowed
- ☐ 13 allowed only in part.

6. JUDICIAL REVIEWS

6.1 Hemming and others v Westminster City Council

6.2 Members will be aware that Hemming and a number of other proprietors of sex establishments in Soho have challenged the fees charged by Westminster for sex shop licences. They have alleged that the Council is only entitled to recover the administrative costs of processing the application within the licence fee, and not the costs of monitoring and enforcing the whole licensing regime against unlicensed and licensed operators. They claimed that this would be contrary to the Service Provision Regulations which came into force in 2009 and the European Union Services Directive. At the time of the claim, Westminster were charging just over £29,000 for the annual licence fee. This was on the basis that the licensing regime should be self-financing.

6.3 The High Court and the Court of Appeal had both previously held that that the European Directive prevented Westminster from recovering the fees for monitoring and enforcing the licensing regime, against licensed and unlicensed operators. Westminster were therefore ordered to repay that element of the fee which related to monitoring and enforcement.

6.4 Westminster appealed to the Supreme Court which held in 2015 that local authorities were entitled to charge a fee towards the monitoring and enforcement of the licensing regime. The Supreme Court was

clear that it was lawful to charge a licence fee which was payable in two tranches. The first fee, payable at the time when the application was made to cover the costs of processing the application. Then if the application was successful, a second fee to cover the costs of monitoring and enforcing the whole regime against licensed and unlicensed operators. This scheme is commonly called a Type A scheme.

6.5 However, the Court wanted clarification as to whether it was lawful under European law to charge one fee, covering both the costs of processing the application and a refundable fee for monitoring and enforcing the licensing regime, payable at the time the application was made, (commonly called a Type B scheme). The Court therefore referred the latter issue to the Court of Justice of the European Union ("CJEU"). Westminster originally adopted the Type B scheme but as the case progressed it adopted a Type A scheme. On 16 November 2016 the CJEU held that Type B scheme was unlawful as a matter of European Union law.

6.6 On 19 July 2017 the Supreme Court decided decisively in favour of Westminster that the Council could recover a reasonable fee for the monitoring and enforcement of the sex licensing regime in Westminster (including the costs of enforcement against unlicensed operators).

6.7 The case has returned to the Supreme Court for final decisions to be made following the earlier decisions in the Supreme Court and the CJEU.

6.8 There were two issues outstanding, namely (1) obtaining an assessment as to what costs should be paid to Westminster by Hemmings and the other Operators to cover the monitoring and enforcement costs which are were not payable and (2) seeking an order for costs against the Claimants in relation to the hearing before the Supreme Court and the CJEU.

6.9 In relation to the first issue, the Supreme Court has now remitted the question of the quantum of the enforcement fees to the Administrative Court for determination.

6.10 In terms of Costs, the Supreme Court has ordered that Hemming and others shall pay the Council's costs in relation to the Supreme Court and Court of Appeal hearings. The Council is required to pay Hemming's costs in relation to the High Court case. These costs will be assessed if not agreed. No order for costs was made in relation to the hearing before the European Court of Justice.

7. Legal implications

7.1 There are no legal implications for the City Council arising directly from this report.

8. Staffing implications

8.1 There are no staffing implications for the City Council arising directly from this report.

9. Equalities Implications

9.1 There are no direct equalities implications arising from this report.

10. Business plan implications

10.1 There are no business plan implications arising from this report.

11. Ward member comments

11.1. As this report covers all wards, comments were not sought.

10. Reason for decision

10.1 The report is for noting.

If you have any queries about this report or wish to inspect any of the background papers please contact Heidi Titcombe, Principal Solicitor and Manager of the Planning, Highways and Licensing Legal Team on 020 7361 2617;
email: heidi.titcombe@rbkc.gov.uk

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City of Westminster

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Committee Report

Date	**28 November 2018**
Classification	**For General Release**
Title or report	**Gambling Policy Review and Adoption Update – Completion of Phase 1.**
Report of	**Director of Policy, Performance and Communication**
Decision maker	**Licensing Committee**
Wards involved	**All**
Financial summary	**There are no direct financial implications as a result of this report. All costs associated with the Gambling Policy will be met through existing budgets.**
Report author and telephone	**Mr Kerry Simpkin, Licensing Service Consultation Team Manager. Tel: 020 7641 1840**

1. Executive Summary

1.1 This report sets out the end of the 1st phase of the approach adopted relating to consulting on a new Statement of Licensing Principles for Gambling and meeting the councils City for All commitment. This phase saw the re-adoptions of the previous version of the councils Statement of Licensing Principles for Gambling to meet the statutory deadline for reviewing and publishing its policy document before the 30th January 2019.

2. Recommendations

2.1 That the Licensing Committee notes the contents of this report and the direction of travel for the next phases of the development of a new Statement of Licensing Principles for Gambling to meet the 2018/19 City for All commitment.

3. Background, including Policy Context

3.1 The Council's Statement of Licensing Principles for Gambling expires on the 30th January 2019. The Gambling Act 2005 (the Act) requires the Licensing Authority to prepare and publish a new three year Statement of Licensing Principles which will be effective from the 31st January 2019.

3.2 The Licensing Authority is adopting a phased approach to the consultation and preparation of its Statement of Licensing Principles for Gambling. This phased approach will ensure that the council meets is statutory obligation to review and publish its Statement every three years and its City for All commitment to consult on a new gambling policy, leading the way nationally on setting the standards for the industry and protecting the most vulnerable in our neighbourhoods by providing better regulation of betting shops across the city.

3.3 The council consulted on the re-adoption of the current Statement of Licensing Principles for Gambling with minor amendments relating to changes to the Gambling Commissions Guidance and Codes of Practice. The consultation carried out September 2018.

3.4 Following public consultation the amended Statement of Licensing Principles for Gambling was formally approved by the Cabinet Member for Public Protection and Licensing and referred to Full Council for adoption. The Council approved the adoption of the amended Statement of Licensing Principles for Gambling at its meeting on the 7th November 2018. It was agreed that the amended Statement of Licensing Principles for Gambling would come into force on the 31st January 2019.

3.5 The council will publish a statutory public notice in a local paper and on its notice board concerning the adoption of its Statement of Licensing Principles for Gambling in early December. This statutory notice will set out the adoption of the Statement of Licensing Principles and that it has been agreed by Full Council to come into effect from the 31st January 2019.

3.6 Officers have started preparing for the second phase of the agreed process for the consultation on a new Statement of Licensing Principles for Gambling. The consultation for the second phase is planned to commence in the new year.

4. Financial Implications

4.1 The consultation and delivery of the Statement of Licensing Principles for Gambling will be delivered within Public Protection & Licensing and Policy Performance & Communications existing budgets.

5. Legal Implications

5.1 Section 349 of the Gambling Act 2005 requires the Statement of Licensing Principles for Gambling ("Statement") to be reviewed by the council (as Licensing Authority) no later than every three years. Any amendments to that Statement are required to be formally considered and approved by full Council following a consultation exercise. The Statement must be published before the expiry of each three year period.

5.2 Section 349(2) of the Gambling Act 2005 allows the Licensing Authority to review its Statement from time to time if it is deemed necessary. If the Statement is revised further, following that review, the revised Statement will have to be formally considered and approved by full Council and published by the council. It is proposed that the proposed revision/new Statement produced under phase 3 of this process will

be undertaken under this sub-section. Subject to the comments received it is anticipated that the council will produce a fundamental revised or new Statement.

5.3 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ("Regulations) specifies the legal requirements and procedure for drafting and preparing the Statement and any revision to that Statement.

5.4 Regulation 7 of these Regulations sets out the procedure for publishing the Statement or revised Statement on the council's website and placing copies of these documents for inspection in any of the following places, including:-

5.4.1 public libraries within Westminster and
5.4.2 other premises within Westminster as the council considers appropriate.

5.5 A notice regarding the adoption of the Statement and any revised Statement must also be published in either a local newspaper, a local newsletter for the borough or on a public notice board.

6. Staffing Implications

6.1 There are no staffing implications as a result of this decision.

7. Equalities Impact Assessment

7.1 In preparing the proposed policy, officers have had regard to its Public Sector Equality Duty imposed under section 149 of the Equality Act 2010. This requires public bodies to consider how the decisions they make, and the services they deliver, affect people who share different protected characteristics including age, race and disabilities etc. It is considered that the policies in the revised Statement of Licensing Principles for Gambling will not negatively impact on any of the protected categories within the Equality Act 2010.

If you have any queries about this report or wish to inspect any of the background papers, please contact:

Mr Kerry Simpkin
Interim Licensing Policy and Strategy Manager
Policy, Performance and Communications

Background Papers

Responses from the consultation of the proposed Statement of Licensing Principles for Gambling
Report to the Cabinet Member for Public Protection and Licensing for the formal decision to adopt the proposed revised Statement of Licensing Principles for Gambling - Oct 2018
Gambling Act 2005 and associated Regulations
Gambling Commission – Licensing Authority Guidance 5th Edition

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