



City of Westminster

# Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Friday 6th September, 2019**

Time: **11.00 am**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Ian Adams (Chairman)	Louise Hyams
Heather Acton	Aicha Less
Rita Begum	Tim Mitchell
Margot Bright	Karen Scarborough
Susie Burbridge	Shamim Talukder
Peter Freeman	Aziz Toki
Murad Gassanly	Jacqui Wilkinson
Jim Glen	

**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 10.30am. 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](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 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 20<sup>th</sup> March 2019

**(Pages 3 - 8)**

**4. LICENSING OVERVIEW**

Report of the Director of Public Protection and Licensing

**(Pages 9 - 20)**

**5. LICENSING SERVICE FEE REVIEW (EXCLUDING STREET TRADING REGIMES) AUGUST 2019 - JULY 2020.**

Report of the Director of Public Protection and Licensing

**(Pages 21 - 36)**

**Stuart Love  
Chief Executive  
30 August 2019**



CITY OF WESTMINSTER

## DRAFT MINUTES

### Licensing Committee

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Wednesday 20<sup>th</sup> March 2019**, Room 18.2 and 18.3, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Angela Harvey (Chair), Heather Acton, Melvyn Caplan, Murad Gassanly, Jim Glen, Louise Hyams, Karen Scarborough, Shamim Talukder, and Jacqui Wilkinson.

**Officers present:** Annette Acik, Interim Director of Public Protection and Licensing, Greg Ward, Director of Regeneration and Economic Development, Andrew Ralph, Head of Licensing and Regulatory Service, Kerry Simpkins, Licensing Policy and Strategy Manager, Barry Panto, Senior Assistant Solicitor, Catherine Brice, Head of Westminster Markets, Ros Hick, Licensing, Head of Service Central, and Kisi Smith-Charlemagne, Senior Committee & Governance Officer.

**Apologies for Absence:** Councillors, Rita Begum, Susie Burbridge, Peter Freeman, Aicha Less, Tim Mitchell and Aziz Toki. Officers: Heidi Titcombe Principal Solicitor.

#### 1 MEMBERSHIP

There were no changes to the membership of the Licensing Committee.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Angela Harvey declared that she was married to Cllr David Harvey, Deputy Leader and Cabinet Member for Economic Development, Education and Community.

#### 3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the Licensing Committee meeting held on Wednesday 28 November 2018 be signed by the Chair as a correct record of proceedings.

#### 4 MARKETS STRATEGY UPDATE AND MARKET PICH APPLICATION PROCESS

- 4.1 The Committee received a report and was given a presentation on the Strategy for Westminster City Markets 2019-2022. The Licensing Committee were advised that the goal within the Economy Team was to help the markets to thrive and prosper by ensuring they can adapt to new challenges, have a reliable infrastructure to assist their day to day operations and maintain their very central role in Westminster as invaluable community and cultural assets. Officers advised that they recognised the differences between each of Westminster's six markets and wanted to celebrate those differences, as markets provide variety and diversity, history and character.
- 4.2 The Licensing Committee were informed that the markets strategy had been created to provide a strong framework with 7 key themes that will be taken forward, increasing the level of sophistication for the council's street trading operations and provide the team with the tools to apply for the benefit of traders and customers. Officers explained that local plans had been developed for each individual market based on the consultation feedback. Officers advised that a series of activities and objectives had also been proposed to ensure that the markets thrive during the lifetime of the strategy and beyond. It was proposed that the council works closely with the wider, host communities that surround and nurture each of the markets - residents, local workers and local businesses as well as the traders themselves.
- 4.3. Officers also presented a report which set out the proposed approach to determine a licence application for a street trading pitch on a market in Westminster and the selection criteria to be adopted. Officers advised that the approach was designed to provide an effective way of managing available street trading pitches on markets, in line with statutory / policy requirements. The Licensing Committee was advised that the proposed approach also ensured the choice made would broaden the market offer in line with agreed local market plans, placing markets at the heart of our communities. Officers advised that the approach aimed to encourage start-up businesses, and support market improvement and sustainability.
- 4.4 The Members of the Licensing Committee welcomed the reports and presentation and thanked officers for a comprehensive piece of work. Members felt that this was an ambitious strategy with a strong chance of delivering the council's vision for its WCC markets. Members made enquiries regarding the balance between the sale of fresh produce and hot food, the consideration given to the commercial offer and demand lead products. Members queried the local plans for Maida Hill market. Members also sought further clarification on timed-allocated windows for market pitch applications, it was felt that the new approach was complex.
4. **RESOLVED:** That the report be noted by the Licensing Committee.

## 5 **DEVELOPING AN EVENING AND NIGHT TIME VISION**

- 5.1 The Licensing Committee received a report which set out the approach to the development of the council's Evening and Night Time Vision. The Licensing

Committee were asked to consider the proposals for the councils Evening and Night Time Vision and provide any feedback or comments to assist officers in its development. Officers advised that the vision will enable the council to set out how it would like to see the evening and night time economy develop over the next 20 years. It was proposed that the vision would become a pro-active tool which will focus future policy and strategy development and guide operational and service delivery.

5.2 Officers advised that our city is one of the most popular evening and night time (ENT) destinations in the world and through our planning, licensing, culture, regeneration, community safety and economic powers, our role had been vital in shaping our city at night. However, the council does not have a clearly articulated vision or strategy that directly provides a framework for an aspirational ENT environment. Officers explained that they hope to design an ambitious 'Evening and Night Time Vision' that clearly articulates what we want our City to be able to offer by 2040. Members queried the 'Green initiatives' as part of Business growth is balanced with residential amenity and good regulation, specifically relating to water, air cooling and heating. Members also sought clarification on the involvement of the Evening and Night Time Economy Task Group with the development of the vision.

5.3 **RESOLVED:** That the following be approved:

## **6 LICENSING POLICY DEVELOPMENT AND PROPOSED SYNERGY WITH THE CITY PLAN**

6.1 The Committee received a report considering the approach to revising the councils licensing policy. In preparation of the review of the councils licensing policy under the Licensing Act 2003 officers sought the views of the Licensing Committee on the proposal to synergise the licensing policy with the councils new City Plan 2019 – 2014. Officers advised that in considering the approach to revising the councils licensing policy there was an opportunity to review the current policy framework and synergise any revision with the council's city plan. It was noted that officers were in the early planning stage of the revision for the licensing policy work. The Licensing Committee were advised that the Synergy between the city plan and licensing policy at its most basic, will ensure that both documents support each other, but it will also actively promote the development of the city over the next 20 years and contribute more effectively to the delivery of City for All.

6.2 Members queried the neighbourhood approach to the licensing policies, referring to Soho and seeking assurances that there would be no noise breakout. Members also queried the table in paragraph 3.4 of the report labelled 'Licensing policy objectives or best practice', it was felt that this table should include reducing smoking under of outside residential premises. Members discussed the effects of noise on mental health and that WCC had become a 'Dementia City'. Members also queried whether 20 years was too long for the policy, as things change and did not want to be in the same situation 10 years down the line.

6.3 **RESOLVED:** That the report and of the overall direction of the policy be noted.

## 7 **SOHO ANGELS AND NIGHT HUB UPDATE**

7.1 The Committee received a report on the Soho Angels and Night Hub initiative and its results to date. The Soho Angels and Night Hub were now operating every Friday night in Soho. The report also provided an update on the potential to work with partners and businesses to deliver similar services in other areas of the City. Officers informed the Licensing Committee that the council had developed a safe space (Night Hub) and volunteer network (Soho Angels) as part of its Nightsafe project, the Nightsafe project aimed to develop initiatives that will:

- Improve the safety and amenity of the public domain;
- Provide a harm reduction service where vulnerable people can access support and a safe space;
- Reduce the risk of crime, specifically to prevent intoxicated people from becoming a victim or perpetrator of crime;
- Collaborate with key stakeholders to establish a governance model that is sustainable and enhances the evening and night time economy;
- Support organisations that operate in the City at night (e.g. venue security staff, Police and Ambulance)

7.2 Officers advised that to test the Soho Angels and Night Hub service before full implementation of the service, a pilot was undertaken on the run up to Christmas 2018. The pilot ran on each Friday night from the 30th November to the 21st December 2018. The Night Hub was operated from St Anne's Church Hall in Dean Street between 10pm to 5am. Members welcomed the report and congratulated Officers and volunteers on a brilliant piece of work. Members queried the processes of recruiting volunteers and if the pilot would be rolled out to other areas of the borough.

7.4 **RESOLVED:** That the report be noted

## 8 **LICENCING APPEALS**

8.1 Barry Panto, Principal Solicitor, Shared Legal Services, provided an update on licensing appeals since the November 2018 meeting of the Licensing Committee. He confirmed that Shared Legal Services had been dealing with one appeal, the Windmill and the Hemmings case on the Council's behalf during this time. Mr Panto confirmed that Belgrave Square Gardens had withdrawn its appeal and the Council had recovered its costs.

8.2 Members queried the number of appeals and noted the most recent information on appeals which had been submitted in relation to decisions taken by the Licensing Sub-Committees.

8.3 **RESOLVED:** That the contents of the report be noted

**9 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**

9.1 Members had a brief discussion regarding WCC licensing policy with regard to the WCC model conditions.

**10. FUTURE LICENSING COMMITTEE MEETING DATES**

10.1 It was noted that the next meetings of the Licensing Committee would be held on Wednesday 3 July 2019 and 27 November 2019. All meetings are scheduled for 10.00am.

The Meeting ended at 12.55pm.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

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# Licensing Committee Report

Date	6 September 2019
Classification	General Release
Title or report	<b>Licensing Overview</b>
Report of	<b>Director of Public Protection and Licensing</b>
Decision maker	For information
Financial summary	None
Report author and telephone	<b>Daisy Gadd Senior Practitioner for Licensing 0207 641 2737</b>

## 1. Introduction

1.1 This report provides an overview of the Licensing Service over a period of 2 financial years. The report outlines the types of regimes and applications handled by the Licensing Service, team performance, significant trends and high-profile premises.

## 2. Licensing Regimes

2.1 The Licensing Service deals with applications received over approximately 25 different licensing regimes. The majority of applications are governed by the Licensing Act 2003, including new premises licence applications, temporary event notices and applications to transfer the premises licence holder. Other areas of licensing activity include:

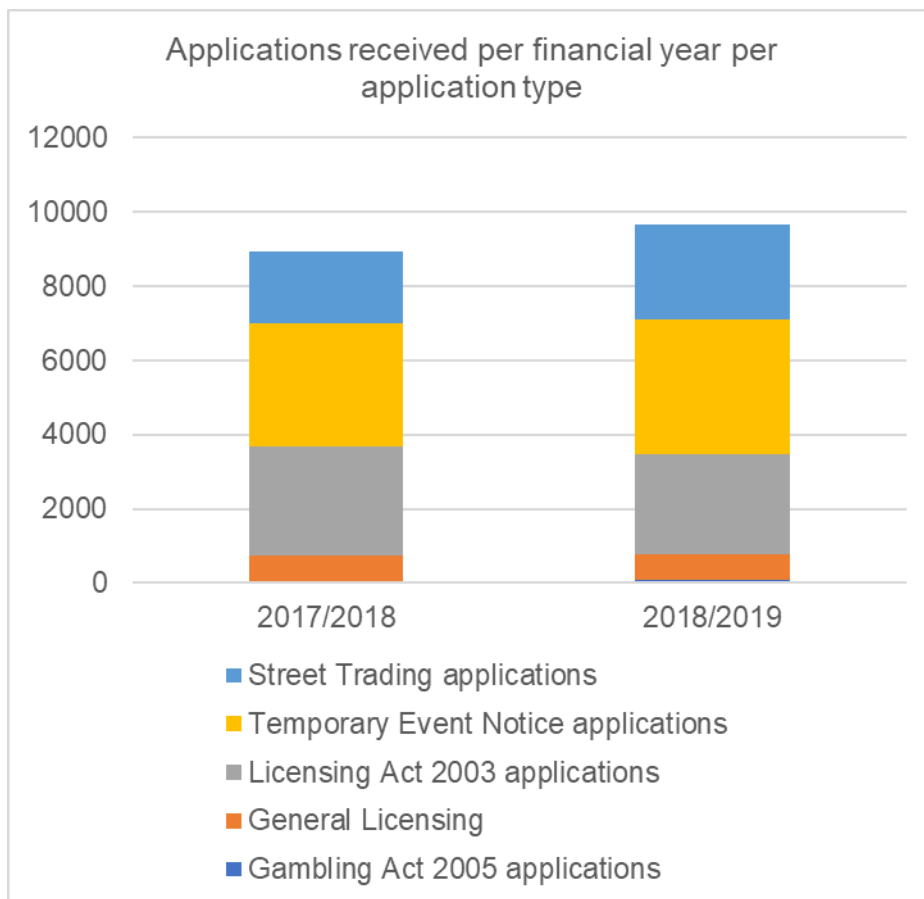
- Gambling Act 2005: including casinos and betting shops.
- London Local Authorities Act 1991/2000: including massage and special treatment premises.
- Zoo Licensing Act 1981 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018: including ZSL London Zoo and regulating other animal regimes such as dog boarding establishments, performing animals and pet shops.

- The Marriage and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011
- City of Westminster Act 1999: regulating street trading applications and activity, including the designation of pitches in Westminster’s markets, as well as isolated pitches where street trading is permitted.
- Local Government (Miscellaneous Provisions) Act 1982: regulating the licensing of sex establishments, sex shops and sexual entertainment venues.

### 3. Applications received by the Licensing Service

3.1 Over the past 2 years, the Licensing Service has received over 8000 applications per year. Year on year we are seeing an increase in the number of applications received, with an 8% increase from 2017/2018 to 2018/2019.

3.2 The graph below shows the number of applications received per financial year per application type for the years 2017/2018 and 2018/2019.



3.3 For the purposes of this report, General Licensing includes applications for massage & special treatment premises, sexual entertainment venues, explosives, auctions and film classifications.

3.4 The table below shows the actual number of applications received per financial year supporting the information provided in the graph above.

Financial Year	Total Number of Applications Received	Application split				
		Gambling Act 2005	General Licensing	Licensing Act 2003	Temporary Event Notice	Street Trading
2017/2018	8944	59	676	2942	3330	1937
2018/2019	9681	81	679	2724	3636	2561

### Digital Platform

3.5 Since 2015, a number of E-Forms have been introduced by the Licensing Service in relation to both Premises Licensing and Street Trading applications. E-forms provide accessible, easy to complete forms, taking instant payment and integrating into the Council's database. By introducing online forms, the Licensing Service has reduced the number of paper applications received. In the financial year 2018/2019, over 75% of applications received by the Licensing Service were submitted via E-Forms. So far for 2019/2020, this has increased to over 80%.

3.6 E-forms have enabled the Licensing Service to considerably reduce the time spent on inputting data and processing applications, allowing them to respond to increasing demand (see team performance at point 4 below). The Licensing Service is currently working on integrating the remainder of application forms that can be implemented via the electronic system. This is expected to be completed by the end of this financial year and will create a single online space for applicants to submit licence applications.

3.7 Within the next 12 months the Licensing Service hopes to become fully digital. To achieve this, we have removed postal applications from the website to encourage applicants to use the online system and will offer training to those customers who may need further assistance.

#### 4. Team Performance

4.1 The Licensing Service has an internal key performance indicator of processing applications within 2 working days of receipt. Over the last 2 financial years, more than 90% of applications were processed within this deadline.

4.2 The table below shows the total number of applications received by the Licensing Service year on year, as well as the number of those applications to have been processed within 2 days of receipt.

<b>Financial Year</b>	<b>Total Number of Applications Received</b>	<b>Number of Applications Received Within 2 Days of Receipt</b>	<b>Percentage of Applications Processed Within 2 days of Receipt</b>
<b>2017/2018</b>	8944	8046	90%
<b>2018/2019</b>	9681	8898	92%

4.3 We have seen an increase in processing a higher percentage of applications within 2 days of receipt than previous years.

4.4 Although the Licensing Service consistently achieves over 90% for processing applications within 2 working days, other key targets relating to issuing licences and closing down temporary event notice applications are currently not be achieved.

4.5 Therefore, we have been working to improve the time taken to issue licences to applicants by introducing internal deadlines of 14 and 28 days, depending on the type of licence regime and application. It is our aim to achieve all targets for the various key performance indicators within the next financial year and we will look to review the targets to increase the percentage to at least 95% within the next 2 years.

4.6 Furthermore, in order to ensure the continual provision of a high level of customer service, we have focused on ensuring effective consultation on all applications received.

#### Role of the Licensing Authority

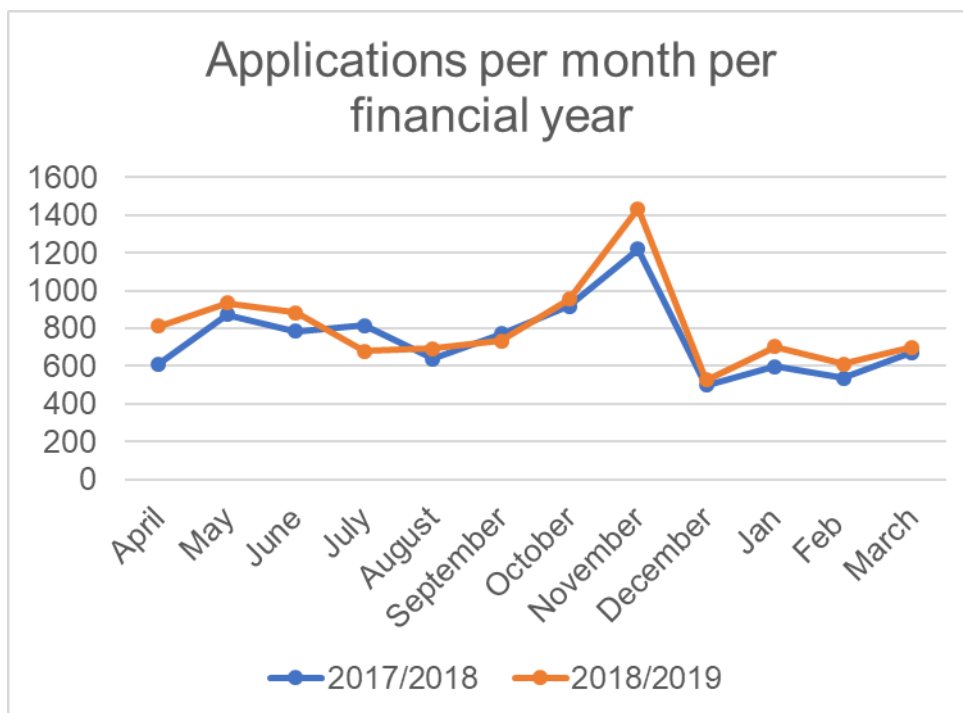
4.7 The Licensing Authority takes an important role throughout the consultation of applications; specifically, those for new and variations of premises licences for premises located within the 3 cumulative impact areas and contrary to the Council's Statement of Licensing Policy. In 2018/2019, the Licensing Authority raised over 100 representations to these types of applications.

4.8 Given the percentage increase of applications received by the Licensing Service year on year, it is predicted that there will also be a correlated increase in the number of representations raised by the Licensing Authority.

4.9 The role of raising representations in accordance to the policy enhances the awareness and expertise of Senior Licensing Officers in regard to the locality, operation and management of licensed premises within Westminster. In turn, this provides Licensing Sub-Committee Members and Ward Councillors with policy expertise in the absence of a regular policy advisor at the Licensing Sub-Committee hearings. It also develops expertise of officers involved and allows for further communication with applicants, local residents and other interested parties.

## 5. Licensing application trends

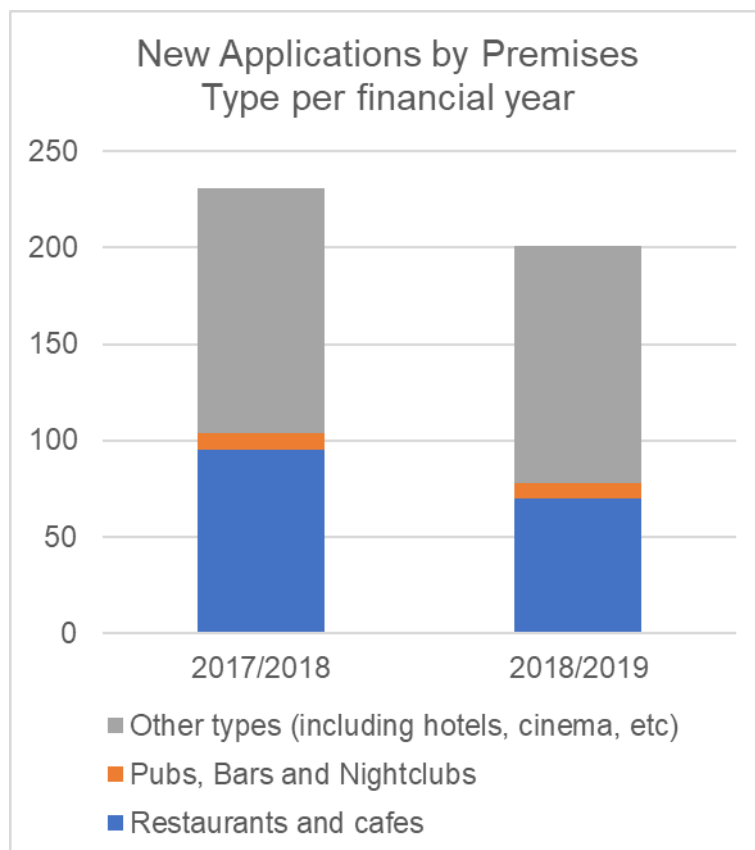
5.1 The Licensing Service receives applications on a consistent trend year on year. The graph below indicates the number of applications received each month for the years 2017/2018 and 2018/2019.



5.2 A high volume of applications are received in the months of October and November, which is reflective of temporary event notices applied to take place in the month of December and January for Christmas and New Year events. In November 2018, the Licensing Service received over 680 Temporary Event Notice applications.

## New Premises Licence Applications

- 5.3 Although there has been an increase in applications received by the Licensing Service year on year, the percentage of new licence applications received by type of operation of that premises has remained consistent to that of previous years. The graph below shows the number of new licence applications received in 2017/2018 and 2018/2019 by premises type:



## 6. Trends and Projects

### E-Consultation

- 6.1 A six month trial of an E-consultation service launched in January 2019 allowing customers to subscribe to and receive alerts on licensing applications across Westminster. E-consultation enables residents and businesses to sign up to a MyWestminster account in order to be notified electronically of applications, rather than receiving notifications through the post. The aim of E-Consultation is to create a single digital front door for customers to access all information surrounding licensing applications. Customers are able to:

- Subscribe for licensing notifications
- Receive and view licensing notifications
- Respond with comments to licensing applications whether at home, work or on the move using mobile/tablet devices
- Customise notifications they would like to receive

- Enable wider community engagement with other community groups and third parties
- Have the increased convenience of access to information in one place via a MyWestminster account
- Enable Westminster City Council to meet its corporate social responsibility needs by reducing carbon emissions by the amount of residential letters posted each year.

6.2 Since the launch of E-Consultation, the Licensing Service has had over 75 subscriptions for licensing notifications.

### Sex Establishments

6.3 There has been a decline in the number of sex establishments operating within Westminster over recent years. There is no clear reasoning or explanation behind the decrease seen by the Licensing Authority, although it is possible this is attributable to changes in the demand and accessibility of adult entertainment.

6.4 The number of sex establishments situated within Westminster falls below the total entitlement permitted by the Council's Sexual Entertainment Venue Policy, as detailed below:

<b>Sex Shops</b>	
Total Entitlement Permitted by the Policy	18
Current Licensed Sex Shops	7

<b>Sexual Entertainment Venues</b>	
Total Entitlement Permitted by the Policy	25
Current Licensed Sexual Entertainment Venues	16

### Licensing Act 2003

6.5 The Licensing Service received more applications in 2018/2019 seeking a mixture of alcohol sales and a variety of other activities. Some examples of these applications include 'vibe dining' premises, hair salons, gyms, patisseries and crazy golf venues.

6.6 We will be contributing to the review of the Council's Statement of Licensing Policy to ensure that it is cognisant of premises that do not fall within the remit of one specific policy, and addresses these trends in the economy.

## **7. Westminster Responsible Authorities Group**

- 7.1 The Westminster Responsible Authorities Group (WRAG) is a fortnightly meeting attended by representatives of the responsible authorities (e.g. Environmental Health, Metropolitan Police, Licensing Authority, City Inspectors from all areas, and the Home Office) and chaired by the Licensing Service. Its purpose is to identify applications or premises of concern and develop a joint approach between the authorities.
- 7.2 The discussion features on any high profile or high risk premises which may have applications scheduled for Licensing Sub-Committee, are proposing changes which may attract interest from relevant parties, or have come to the attention of the Licensing Service by way of concern.
- 7.3 The WRAG is used as a platform to create a single point of contact between the area based City Inspector teams and the Licensing Service. This allows for effective and efficient communication of information on high profile and problematic premises within Westminster.

## **8. Regulatory Support**

### Pre-Application Advice Service

- 8.1 Regulatory Support Team 2 provides a comprehensive paid advice service to businesses to facilitate applications. The service is bought in packages depending on the amount and range of advice needed. This covers meetings, site visits and writing reports detailing advice to help with compliance to all different types of licensed businesses. The team then deals with the licence application and carries out a visit just prior to opening to make sure there is minimal impact on the community. There is a presence from the team post grant of the application, so the service continues to appeal to clients in terms of providing advice from an all-round officer, not simply a desk based EHO. As well as providing the advisory role the team also has the skills of being enforcement officers. This ensures the service is attractive, the uptake of pre-application advice continues and ultimately brings in an income stream and achieves high compliance across Westminster.

### Massage and Special Treatment

- 8.2 The team also act as unofficial consultees under the London Local Authorities Act 1991. Officers look at workplace arrangements such as heating ventilation and appropriate workstations and safety procedures. In high risk premises such as tattooist, piercing and laser treatment we look at the safety and hygiene processes. The applicant is given appropriate guidance on the most recent legislation and best practice. Any issues with the emergency arrangements in the premises are notified to the London Fire Brigade.



## **9. High Profile cases**

- 9.1 A snapshot of some of the high profile premises dealt with by the Licensing Service in 2018/2019 and cases discussed at the WRAG are detailed below:

### The Windmill

- 9.2 In September 2017, an application was received to renew the sexual entertainment venue (SEV) licence for The Windmill, 17-19 Great Windmill Street. On 11 January 2018, Licensing Sub-Committee determined that they did not consider that the applicant was suitable to hold the SEV licence and the decision was therefore that the renewal of the licence was refused. Following the refusal by Licensing Sub-Committee, the applicant appealed the decision to the Magistrates' Court.
- 9.3 The appeal hearing took place on 8th-10th October 2018 at Westminster Magistrates' Court. The Judge considered the considerable improvements made by the licence holder at The Windmill, but noted the previous poor management and operation of premises in other local authorities at the hands of the premises licence holder. The Judge stated that they did not have any confidence that the changes instituted by the licence holder would not lapse.
- 9.4 The test the court had to apply was whether the original decision of the Licensing Sub-Committee was wrong. The Judge determined that it was not. Even with all the improvements made, the Judge determined that the Appellant was not suitable to hold a SEV licence. For these reasons, the appeal failed.
- 9.5 A consequent appeal was lodged by the appellant to the Crown Court which was then withdrawn on 12 April 2019. The premises cannot trade as a SEV and the premises is now currently closed. Should the premises wish to re-open as a SEV in the future, a new application will need to be submitted to the Licensing Service and consulted upon appropriately. The council has recovered all its costs in this case, to the sum of £97,154.

### Hyde Park

- 9.6 Licensing Sub-Committee considered an application by The Royal Parks Ltd for Hyde Park that sought to permit 7 concerts at a capacity of 64,999, 2 concerts at a capacity of 49,999 and 5 occasions per calendar year where the event capacity was extended to 19,999.
- 9.7 This application received interest from the media, local ward councillors and local residents. Following a process of effective mediation during the consultation period between all parties, Licensing Sub-Committee decided to grant the application.

## London Zoo

- 9.8 London Zoo is the world's oldest scientific zoo. With over 1.2 million visitors a year, ZSL London Zoo is one of the Licensing Service's most high profile venues. Licensed under the Zoo Act 1981, London Zoo also has the benefit of a premises licence, an explosive licence for its marine flares and flash bangs and is an approved premises for marriage and civil partnerships. The Licensing Service receives numerous Freedom of Information requests in relation to the zoo and has a stringent inspection regime under the Zoo Act 1981 which requires annual inspections.
- 9.9 Every Friday between 7 June and 26 July 2019 ZSL London Zoo held a series Zoo Nights events in which members of the public could experience the zoo and view some of the animals in their evening environments. Following the creation of a petition opposing the Zoo Nights events, the Licensing Service received over 100 complaints. All events with a substantial capacity are subject to approval by the Safety Advisory Group and are required to have comprehensive Event Management Plans. ZSL London Zoo is also required to have an animal welfare plan. Officers from the Licensing Service visited the Zoo to discuss the complaints received and review the arrangements and any possible amendments to the running of the events. Following the meeting, the Licensing Service drafted and sent a letter to the complainants highlighting the steps taken by the zoo to manage the welfare of the animals.
- 9.10 This letter detailed that, at each event, ZSL London Zoo has an animal welfare officer present, alongside their zookeepers, to care for the animals. They monitor and manage sound levels, locate food stalls away from animal enclosures, and close animal houses during the evening at times appropriate for the animals.

## **10. Street Trading**

- 10.1 The Licensing Service has been working with the Economic Development Team to improve the individual markets within Westminster. Fortnightly meetings have taken place with the Economic Development Team, Church Street Regeneration Team and the area enforcement teams to look at the needs of the markets which include neighbourhood concerns, trader welfare and the impact of public realm works.

## Church Street Market

- 10.2 Following a large number of complaints regarding aspects of non-compliance from traders at Church Street market on Saturdays, a co-ordinated approach to tackle the various problems was undertaken.
- 10.3 As there were 50 vacant pitches which were filled by daily casual traders, the Licensing Service agreed to advertise temporary 6-month licences. Over 100 applications were received for these licences from traders holding a casual

licence as well as traders who already trade at the market on Monday to Friday. The Licensing Team engaged with the North Area Enforcement Team, Environmental Health Officers and the Regeneration Team to assess the applications, specifically looking at days and commodities on any current licence, enforcement history and criteria from the street trading policy.

- 10.4 Senior Licensing Officers attended the Church Street Regeneration office to support traders with the application process as well as advise on pitch locations, commodities and outstanding fees and charges.
- 10.5 40 temporary street trading licences were granted to start on Saturday 27<sup>th</sup> July with 10 vacant pitches held for casual trading for new business start-ups. Licensing officers attended on the day to assist the traders and city inspectors with the new stall set ups.

#### Strutton Ground Market

- 10.6 Major Public Realm works have taken place between Jan and August 2019 that caused disruption to the traders. The Licensing Service worked with the Economic Development Team to support the traders to be able to continue to trade whilst the works were undertaken. Temporary relocations were agreed with the traders to use Old Pye Street, traders with double pitches agreed to reduce their use to one pitch and rotas were created to ensure fairness to all traders.
- 10.7 Thirteen permanent licence applications were received for Strutton Ground market. These will be referred to Licensing Sub-committee for decision in September 2019.

#### Licensing of Events

- 10.8 The Licensing team supported the economic development team with the licensing of the Berwick Street pop up craft market on Saturday 18 May. It was part of the 2019 Love Your Local Market campaign, which highlights the importance that vibrant street markets have to their communities. The pop-up aims to give budding entrepreneurs an opportunity to run a market stall and see how it could work for their businesses. Licensing Officers provided guidance and application advice to each new trader and encouraged the licensed week day traders to take part in the event.
- 10.9 The Young Traders Market London and South East Regional Final took place at Westminster Cathedral Piazza. The economy and development team worked closely with the National Market Traders Federation (NMTF) to organise and promote the event whilst the Licensing Service supported the event to ensure that the correct licences were applied for and issued for the 40 persons taking part.

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

Daisy Gadd  
Senior Practitioner for Licensing



# Licensing Committee Report

<b>Date</b>	6 <sup>th</sup> September 2019
<b>Classification</b>	For general release
<b>Title or report</b>	Licensing Service Fee Review (excluding Street Trading regimes) August 2019 - July 2020.
<b>Report of</b>	Director of Public Protection and Licensing
<b>Decision maker</b>	Licensing Committee
<b>Wards involved</b>	All
<b>Financial summary</b>	This report sets out the fee strategy for the licensing regimes where the authority can set a fee to attempt to recover its own costs. The proposed fees will enable the authority to recover its own costs in administering and ensuring compliance within those licensing regimes.
<b>Report author and telephone</b>	Steve Rowe, Licensing Manager Team 1. Tel: 020 7641 7825

## 1. Executive Summary

- 1.1 This report sets out the fee review that has been undertaken by the Licensing Service for all licensing regimes where the council can set a fee. However, street trading fees have been excluded from this report as they have been previously agreed by the Committee. It is proposed that the amended fees set out with Appendix one of this report will take effect from the 1st October 2019.
- 1.2 In April 2019 the annual inflation rate in the United Kingdom increased to 2.1 percent. This was the rate of Consumer Price Inflation (CPI) as of December 2018 and since CPI relates to consumer goods it is the most appropriate measure of inflation to apply in this circumstance.
- 1.3 This report is written in line with the corporate timeframe for setting the council's fees and charges, which is carried out in July each year. By aligning the fee review with the corporate approach to setting fees and charges it enables a standardised approach across the council.

## **2 Recommendations**

- 2.1 The Committee is requested to:
- 2.2 Approve the proposed fees attached to this report as Appendix one so that they commence on the 1<sup>st</sup> October 2019.

## **3 Reasons for Decision**

- 3.1 The proposed fees, as attached at Appendix one, will enable the Council to recover its reasonable costs for administering and enforcing the council's licensing regimes.

## **4 Background**

- 4.1 Fees set by the Licensing Service were last approved in July 2018 and came into effect from the 1<sup>st</sup> August 2018.
- 4.2 The Licensing Service undertakes a review annually on the fees which it has the power to set.
- 4.3 The fees for processing the application are estimated by assessing the time it takes for each step in the process from receipt of application to determination. This includes the time taken by internal consultees, such as the Environmental Health Consultation Team and Registrars.
- 4.4 In the last annual fee review the Licensing Service estimated the cost for the compliance and enforcement function carried out by the council's City Inspectors. The time was assigned to different roles and the costs based on hourly rates. There was also a proportion attributed to these fees for management time, which included the costs associated with running the department and services involved with delivering a function associated with one or more licensing regimes. The fees were then established by calculating the cost associated with each of the licensing functions.
- 4.5 Although the Council does not receive any applications or issue any licences for some regimes it still must set a fee to recover the costs of carrying out that function. In this instance the costs are estimated based on similar types of application process and licences.
- 4.6 In April 2019 the annual inflation rate in the United Kingdom increased to 2.1 percent.

## **5 Fee review and financial implications**

- 5.1 The proposed fees have been calculated on a full cost basis which considers both the direct and indirect costs associated with processing, monitoring and enforcing the licences plus a 2% inflation increase.

- 5.2 When setting fees there is a statutory requirement to consider the income received for a licensing scheme compared to the overall cost of delivering the scheme. The fee level must be set to recover the actual costs incurred by the Council in running the regime but not to make a profit.
- 5.3 The table setting out the current fee and proposed fee are shown within Appendix one to this report.
- 5.4 Licensing fees are set in two parts. Part A is payable with the application and is a non-refundable administration fee for processing the application and carrying out any consultation and determining whether the licence should or should not be granted. If the application is successful, a second fee is payable (called a Part B fee) which covers the costs of monitoring and enforcing the licensing regime.
- 5.5 The fee for Part B covers 12 months of enforcement cost and would be refunded on a monthly pro rata basis if the licence is surrendered.
- 5.6 The splitting of the fees into two parts has been established following the ruling by the Supreme Court for the Hemming case. This approach is in compliance with the Provisions of Services Regulations 2009.
- 5.7 The 2% inflation increase has been added to Part A of the Licensing fees only. Part B (relating to enforcement costs) remains the same.

## **6 Legal implications**

- 6.1 The Council can set its own fees for the regimes listed in Appendix one of this report.
- 6.2 All of the regimes (excluding Gambling) are covered by the European Union Services Directive. Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that any licensing fees charged in relation to “authorisations” must be reasonable and proportionate to the costs of processing applications. As stated above, the Hemmings case confirmed that when setting licence fees, authorities can recover the costs of processing the application and where applications are successful, the costs of monitoring and enforcing the licensing regime as a whole, provided such costs are charged in two parts (part A and part B). The proposed fees must not be used to make a profit.
- 6.3 If the proposed fee structure results in a surplus or loss for the financial year there will be an appropriate reduction or increase in fees as the case may be for the following financial year.

Appendices

Appendix one – Proposed Fees August 2019 – July 2020

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

Mr Steve Rowe, Licensing Manager Team 1

Background Papers

Licensing Fee Review Excel Spreadsheet



<b>The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</b>
<b>Boarding Cats / Boarding &amp; Home Boarding Dogs / Kennels/Cattery Breeding Dogs and Dog Day Care</b>
New
Renewal
Duplicate
<b>Selling Animals as Pets</b>
New
Renewal
Duplicate
<b>Hiring out Horses</b>
New
Renewal
Duplicate
<b>Animal Exhibits</b>
New
Variation
Inspection of Register
Copy of Register
Duplicate
<b>Zoo Licensing Act - Zoo Licensing Act 1981</b>
New
Renewal
Exemption Request
Alteration
Transfer
Duplicate
<b>Dangerous Wild Animals - Dangerous Wild Animals Act 1976</b>
New
Renewal
Duplicate
<b>Exhibitions (Prescribed Venues) - Greater London Council (General Powers) Act 1966</b>
New
Renewal
Duplicate
<b>Auction premises - Great London Council (General Powers) Act 1984, Part 6</b>
New
Duplicate
<b>Marriages</b>
New
Renewal
Change of responsible person

Amend application
Change of Details
Duplicate
<b>Hypnotism - Hypnotism Act 1952</b>
New
Renewal
Duplicate
<b>Massage and Special Treatment Premises - London Local Authorities Act 1991/2000</b>
<b>Higher Risk</b>
New
Renewal
Variation
Transfer
Removal of Treatment
Renewal of Provisional Licence
Confirmation of a Provisional Licence
Change of Details
Duplicate
<b>Lower Risk</b>
New
Renewal
Variation
Transfer
Removal of Treatment
Renewal of Provisional Licence
Confirmation of a Provisional Licence
Change of Details
Duplicate
<b>Scrap Metal Dealers - Scrap Metal Dealers Act 2013</b>
<b>Site Licence</b>
New
Renewal
Variation
Duplicate
<b>Collectors Licence</b>
New
Renewal
Variation
Duplicate
<b>Sex Establishments - Local Government (Miscellaneous Provisions) Act 1982</b>
<b>Sex Shops, Sex Cinemas and Hostess Bars</b>
New
Renewal
Variation
Transfer
Paragraph 7 Waiver

Duplicate
<b>Sexual Entertainment Venue</b>
New
Renewal
Variation
Transfer
Paragraph 7 Waiver
Duplicate

Current Price			Inflation at 2%	Proposed Price	
Part A	Part B	Total		Part A	Part B
		0	0	0	0
1064	100	1164	23.28	1087.28	100
459	100	559	11.18	470.18	100
22	0	22	0.44	22.44	0
		0	0	0	0
1158	100	1258	25.16	1183.16	100
525	100	625	12.5	537.5	100
22	0	22	0.44	22.44	0
1317	100	1417	28.34	1345.34	100
866	100	966	19.32	885.32	100
22	0	22	0.44	22.44	0
648	50	698	13.96	661.96	100
368	0	368	7.36	375.36	0
291	0	291	5.82	296.82	0
7	0	7	0.14	7.14	0
22	0	22	0.44	22.44	0
27473	0	27473	549.46	28022.46	0
36018	0	36018	720.36	36738.36	0
2141	0	2141	42.82	2183.82	0
2213	0	2213	44.26	2257.26	0
189	0	189	3.78	192.78	0
22	0	22	0.44	22.44	0
894	100	994	19.88	913.88	100
233	100	333	6.66	239.66	100
22	0	22	0.44	22.44	
755	100	855	17.1	772.1	100
263	100	363	7.26	270.26	100
22	0	22	0.44	22.44	
674	100	774	15.48	689.48	100
22	0	22	0.44	22.44	0
1076	100	1176	23.52	1099.52	100
715	100	815	16.3	731.3	100
82	0	82	1.64	83.64	0

198	0	198	3.96	201.96	0
125	0	125	2.5	127.5	0
22	0	22	0.44	22.44	0
427	100	527	10.54	437.54	100
104	100	204	4.08	108.08	100
22	0	22	0.44	22.44	0
1365	1092	2457	49.14	1414.14	1092
685	1092	1777	35.54	720.54	1092
617	0	617	12.34	629.34	0
196	0	196	3.92	199.92	0
185	0	185	3.7	188.7	0
185	0	185	3.7	188.7	0
178	1092	1270	25.4	203.4	1092
116	0	116	2.32	118.32	0
22	0	22	0.44	22.44	0
1244	1092	2336	46.72	1290.72	1092
685	1092	1777	35.54	720.54	1092
617	0	617	12.34	629.34	0
196	0	196	3.92	199.92	0
185	0	185	3.7	188.7	0
185	0	185	3.7	188.7	0
178	1092	1270	25.4	203.4	1092
116	0	116	2.32	118.32	0
22	0	22	0.44	22.44	0
416	100	516	10.32	426.32	100
172	100	272	5.44	177.44	100
322	0	322	6.44	328.44	0
22	0	22	0.44	22.44	0
502	100	602	12.04	514.04	100
172	100	272	5.44	177.44	100
236	0	236	4.72	240.72	0
22	0	22	0.44	22.44	0
2060	2262	4322	86.44	2146.44	2262
1099	2262	3361	67.22	1166.22	2262
1000	0	1000	20	1020	0
333	0	333	6.66	339.66	0
724	0	724	14.48	738.48	0

22	0	22	0.44	22.44	0
1719	2262	3981	79.62	1798.62	2262
1016	2262	3278	65.56	1081.56	2262
1078	0	1078	21.56	1099.56	0
302	0	302	6.04	308.04	0
707	0	707	14.14	721.14	0
22	0	22	0.44	22.44	0

<b>Total</b>
0
1187
570
22
0
1283
638
22
1445
985
22
762
375
297
7
22
28022
36738
2184
2257
193
22
1014
340
22
872
370
22
789
22
1200
831
84

<b>Final proposed price</b>
1190
570
25
1285
640
25
1445
985
25
765
375
300
7
25
28025
36740
2185
2260
195
25
1015
340
25
875
370
25
790
25
1200
835
85

202
128
22
538
208
22
2506
1813
629
200
189
189
1295
118
22
2383
1813
629
200
189
189
1295
118
22
526
277
328
22
614
277
241
22
4408
3428
1020
340
738

205
130
25
540
210
25
2510
1815
630
200
190
190
1295
120
25
2385
1815
630
200
190
190
1295
120
25
530
280
330
25
615
280
245
25
4410
3430
1020
340
740



22
4061
3344
1100
308
721
22

25
4065
3345
1100
310
725
25

## Tables & Chairs

<b>Number of Chairs</b>	<b>Application fee</b>	<b>Supplement for New Applications</b>
1 to 4	325	50
5 to 9	500	75
10 to 16	900	110
17 to 23	1300	175
24 to 36	1750	200
37+	2400	300

<b>Additional charge for each hour beyond 7pm per day</b>
7
11
15
21
28
38

<b>2% inflation of Application fee only</b>	<b>New Application fee</b>
6.5	332
10	510
18	918
26	1326
35	1785
48	2448

<b>Supplement for New Applications</b>	<b>Additional charge for each hour beyond 7pm per day</b>
50	7
75	11
110	15
175	21
200	28
300	38

<b>Final Fee</b>
330
510
920
1330
1785
2450