



CITY OF WESTMINSTER

# MINUTES

## Licensing Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Wednesday 23rd September, 2020**, This was a virtual meeting.

**Members Present:** Councillors Heather Acton (Chairman), Margot Bright, Susie Burbridge, Maggie Carman, Aicha Less, Murad Gassanly, Jim Glen, Louise Hyams, Tim Mitchell, Karen Scarborough and Jacqui Wilkinson

**Officers Present:** Andrew Ralph (Head of Regulatory and Licensing Service), Kirsty Munro (Principal Policy Officer, Policy & Projects), Rebecca Gordon (Project Manager, Public Protection and Licensing), Horatio Chance (Legal Adviser), Andrew Powell (Senior Committee and Governance Officer), and Cameron MacLean (Temporary Senior Committee and Governance Officer)

**Apologies for Absence:** Councillor Barbara Arzymanow, Councillor Rita Begum, Councillor Aziz Toki and Councillor Richard Elcho.

## 1 MEMBERSHIP

### 1.1. Appointment of Vice-Chairman

For the purposes of this meeting, the Chairman nominated Councillor Tim Mitchell as Vice Chairman. The nomination was duly seconded, and Councillor Mitchell was appointed Vice Chairman.

### 1.2. Change of Membership

The Chairman reported that, since the last meeting of the Committee, Councillor Peter Freeman had ceased to be a Member of the Committee. On behalf of the Committee, the Chairman extended her thanks to Councillor Freeman for his support and contribution as a Member Committee.

On behalf of the Committee, the Chairman welcomed Councillor Richard Elcho as a Member of the Committee and said she hoped he would enjoy his time as a Member of the Licensing Committee.

## 2 DECLARATION OF INTEREST

2.1. There were no Declarations of Interest.

### 3 MINUTES

- 3.1. The Chairman noted that Councillor Freeman was listed as having been present at the last meeting of the Committee. However, it was her recollection that he did not attend, and she asked that the Attendance record be checked.
- 3.2. The Chairman then noted a few minor typographical errors in the minutes.  
**RESOLVED:** That the minutes of the Licensing Committee on 8 July 2020, as amended, be approved, and the Chairman authorised to sign them as a correct record.

### 4 BUSKING AND STREET ENTERTAINMENT POLICY

- 4.1. The Licensing Committee received a report from the Head of City Policy and Strategy and the Director of Public Protection and Licensing. The report stated that, on 10 January 2020, the Committee had heard a proposal to implement a new Busking and Street Entertainment Policy (referred to variously as “the Policy”, “proposed Policy” or “draft Policy”) intended to address safety and noise nuisance concerns. There had then been a six-week consultation in January and February, the results of which were attached as Appendix B to the report.
- 4.2. The report before the Committee set out the rationale for the development of the proposed Policy and sought the Committee’s approval to hold a further five-week consultation on the new draft policy.
- 4.3. The Chairman noted that presently there were four differing approaches to busking and street entertainment across the borough. It was now proposed to reduce this to 2 approaches including the requirement that street entertainers in the centre of the borough, where there would be 25 pitches, five of which would permit amplification be licensed; and the introduction of a Code of Conduct for the outer areas of the borough. The intention behind the proposals was to maximise the value of street entertainment while minimising the potential for disruption to residents, workers and visitors to the borough by busking and street entertainers.
- 4.4. In the subsequent discussion, Members referred to the following matters.
  - (a) One of the main causes for complaint by residents, including those living in the centre of the borough, was amplified music by buskers and street entertainers.
  - (b) The Council had always strived to achieve a balance in its busking and street entertainment policy and that it was to be welcomed the proposals before the Committee were to be the subject of consultation.
  - (c) That consideration be given to revising the layout and design of the draft policy document to ensure that the final document, when produced, would be easy to read.
  - (d) In response to concerns about the potential displacement of buskers and street entertainers from the Trafalgar Square and Leicester Square areas to the wider West End and, in particular, Covent Garden expressed in the previous consultation, it had been decided to include the wider West End, including Covent Garden, in the present proposals and consultation.

- (e) It was open to consultees to comment on the proposed policy as a whole or on specific areas identified in the policy.
- (f) The Chairman confirmed that everyone who had commented in response to the previous consultation would be invited to comment as part of the current consultation.
- (g) Any persons with a right to work in the UK would be permitted to apply for a busking/street entertainment licence and that confirmation of the right work in the UK would be part of the licence application process.
- (h) Noise complaints within the borough were dealt with under statutory nuisance provisions. However, these provisions were not intended to apply to buskers. Noise complaints about buskers were dealt with under the Bylaws for Good Rule and Government (No. 2).
- (i) The requirement for buskers to have a licence would obviate some of the enforcement difficulties faced by officers in relation to complaints about noise and obstruction.
- (j) In response to a suggestion that this might not be the most appropriate time for a consultation given the effects of the coronavirus pandemic, the Chairman noted that everyone who had commented on the previous consultation would be invited to comment on the present consultation. In addition, since the lifting of some of the lockdown requirements, there had been an increase in number of noise complaints about buskers and street entertainers.
- (k) It was noted that the consultation was being carried out under the provisions of Part V (Licensing of buskers), London Local Authorities Act 2000 which were prescriptive by nature and that the policy, if approved, would not be implemented until next year.
- (l) The consultation covered areas that were known hotspots and areas where it was believed there might be displacement issues if buskers and street entertainers relocated from the known hotspots.
- (m) The Chairman noted that the consultation would be promoted through social media and that all statutory stakeholders and other potential stakeholders would be contacted and informed about the consultation so that their specific views would be considered. The statutory requirements governing the consultation did not permit other areas to be added to the consultation later. However, when the policy proposed in the consultation was implemented, officers would subsequently review the operation of the policy and report back to the Committee. This would allow the opportunity for a further review of the policy.
- (n) Officers would consult with all groups and organisations representing buskers and street entertainers, including the Street Performers Association, on the proposed policy.

4.5. Bringing the discussion to a close, the Chairman thanked all those persons and groups involved in preparing the present consultation and those who had contributed to, or commented on, the previous consultation.

**RESOLVED:** to approve the report's recommendations, as follows –

That the Council hold a five-week consultation between 24<sup>th</sup> September to 1 November 2020 on the following:

1. The creation of a Busking and Street Entertainment Policy, Code of Conduct, and a dedicated Buskers and Street Entertainers Forum.
2. Adoption of a Licensing Regime under Part V of the London Local Authorities Act 2000 for the control and regulation of busking and street entertainment in designated streets and areas:
  - 2.1. Busking and street entertainment were prohibited in all areas to which Part V of the London Local Authorities Act 2000 for the control and regulation of busking and street entertainment in designated streets and areas.
  - 2.2. Permit busking and street entertainment in identified pitches in accordance the terms and conditions of the pitch.
  - 2.3. Permit only licensed buskers and street entertainers on the pitches subject to the terms and conditions of the pitch and the conditions of the licence to bask.
  - 2.4. The designated streets and areas are across the West End and centre of the City, namely:
    - Paddington
    - Marylebone
    - Bayswater
    - Oxford Street
    - Mayfair
    - Regent Street
    - New Bond Street
    - Piccadilly
    - Chinatown
    - Leicester Square
    - Soho
    - Covent Garden
    - The Strand
    - Charing Cross
    - Embankment
    - Trafalgar Square
    - Whitehall
    - Parliament Square
    - Victoria
    - Knightsbridge
    - Belgravia
3. Carrying out ongoing and quarterly monitoring, and an annual review after one full calendar year of operation.

## **5 LICENSING SERVICE FEE REVIEW (EXCLUDING STREET TRADING REGIMES) NOVEMBER 2020 - OCTOBER 2021.**

- 5.1. The Licensing Committee received a report from the Director of Public Protection and Licensing. The report noted that, each year, the Council undertook an annual review of licence fees. The report set out –
  - The review undertaken by the Licensing Service for all licensing regimes where the Council could set a fee<sup>1</sup>; and
  - The proposed fees to take effect from 1 November 2020.
- 5.2. Mr Ralph presented the report. In the subsequent discussion, the following points were raised.

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<sup>1</sup> Excluding market fees which had been agreed by the committee on 28 November 2018

- (a) Several the proposed fees, as set out in Appendix 1 to the report, had not been increased, and others were below the rate of inflation. As such, the proposed fees represented a fair proposal.
- (b) In response to a question regarding the more equitable split of fees in respect of marriage venues between Part A and Part B, Mr Ralph stated the proposed change reflected the respective costs in officer time and effort of administering the Part A and Part B elements of the licence.
- (c) The Zoo licence, which had been paid, was for a six-year period and officers had been in discussions with the Zoo to see how the Council might assist the Zoo during lockdown and when the Zoo reopened.

5.3. As there were no more comments, the Chairman brought the discussion to a close.

**RESOLVED:** to approve the report's recommendations, as follows that –

- 1. The Committee approve the Fees (Appendix 1 of the report); and
- 2. That the Fees, if approved, be implemented from 1 November 2020.

## **6 FAST TRACK PAVEMENT LICENSES**

6.1. The Licensing Committee received a verbal report from the Director of Public Protection and Licensing. In his presentation, Mr Ralph referred to the following matters.

- (a) He wanted to draw the Committee's attention to the work that officers had been carrying out since June of this year to support the hospitality sector by fast tracking tables and chairs licences.
- (b) Mr Ralph noted that the usual procedures for issuing a licence for tables and/or chairs required planning permission and this could take time. Therefore, to support the reopening of the hospitality sector, in particular, premises in streets that had been closed to traffic during the lockdown period, a fast-track approach had been agreed by Licensing and Planning and Highways officers.
- (c) The Council could now issue a licence for tables and chairs within 5-working days and 405 fast-track licence applications had been received and 317 licences had been issued before the introduction of Central Government's Pavement Licence Scheme as provided for in the Business and Planning Act 2020.
- (d) The fast-track policy adopted by the Council had allowed premises' owners to operate legally when reopening after the lifting of lockdown measures on 5 July 2020.

6.2. In conclusion, Mr Ralph thanked several Members for allowing an Urgency Committee to be convened to hear officer proposals for a Fast-Track Pavement Licence Scheme. He noted that, since 5 July, a further 338 applications had been received and over 200 additional licenses had been issued. He noted that the Government scheme would be in operation until September 2021. Consequently, the issuing of fast-track licences would continue for the foreseeable future.

- 6.3. On behalf of the Committee, the Chairman thanked officers for their tremendous work in supporting the hospitality sector. The Chairman then invited comments from Members on Mr Ralph's report. Members raised the following points.
- (a) Licences were issued for an initial 3-month period as this would allow officers the opportunity to reassess the operation of the licences in areas where there may be rapid changes in footfall in response to varying lockdown measures. It also allowed an assessment to be made of the effect of granting a licence on residents.
  - (b) The provision for renewing pavement licences were now prescribed in the provisions of the Business and Planning Act 2020.
  - (c) The main consultees in issuing pavement licences were Highways and Environmental Health and if a licence was refused it was usually for safety reasons.
  - (d) Mr Ralph confirmed that licence holders were aware of the requirement to renew their licence every three months. However, with changes in the weather, it was quite possible that many licence holders would not wish to renew their licence.
  - (e) An application for a pavement licence could include the provision of heaters and umbrellas and this was provided for in the legislation as well as the Council's fast-track scheme. Each application for a pavement licence was assessed on its merits, including applications for umbrellas and heaters.
  - (f) In response to the Government's requirement for licensed premises to close at 10 PM, officers would be writing to licence holders to remind them that the restriction also applied to the use of tables and chairs.
- 6.4. In conclusion, the Chairman thanked Mr Ralph for his report.

## **NOTED**

## **7 ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

### **7.1. Sexual Entertainment Venues**

The Chairman noted a request that, given the variation in policies between different London boroughs regarding sexual entertainment venues (SEVs), there be a report to a future meeting of the Licensing Committee on the licensing of SEVs in the borough.

Officers confirmed they would be able to submit a report to the next meeting of the Licensing Committee.

### **7.2. Late and/or additional Committee Papers**

In response to a request that Members be emailed a single PDF document containing all the papers for a meeting, including additional papers circulated and/or published after publication of the main agenda, the Chairman noted that there were rules and procedures relating to the late issuing and publication of papers. Accordingly, she asked that officers adhere to the prescribed procedures for issuing and publishing papers.

7.3. Invitation to Interested Parties to Be Heard at Licensing Committee Meetings

In response to a proposal that interested parties, such as residents, be allowed to speak at meetings of the Licensing Committee on matters such as the Council's proposed Busking and Street Entertainment policy, the Chairman noted that various parties had spoken at the last meeting of the Licensing Committee. Specifically, regarding the Busking and Street Entertainment policy, the Chairman noted that all interested parties would have an opportunity to make their views known when there would be "open meetings" during the five-week consultation period.

**8 DATE OF NEXT MEETING**

The Chairman noted that the date of the next meeting of the Licensing Committee would be Wednesday, 25 November 2020.

The meeting ended at 11:30 AM.

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