



City of Westminster

Committee Agenda

Title: **Licensing Urgency Sub-Committee**

Meeting Date: **Friday 12th June, 2020**

Time: **11.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**
Heather Acton (Chairman) Aicha Less
Jacqui Wilkinson

This will be a virtual meeting and members of the public and press are welcome to follow the meeting and listen to discussion to Part 1 of the Agenda

This meeting will be live streamed and recorded. To access the recording after the meeting please revisit the link.

If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne.

**kscharlemagne@westminster.gov.uk Tel: 07817054613
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

- 1.1 To note any changes to the membership
- 1.2 To appoint a Deputy Chairman for the meeting.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. EMERGENCY REVIEW OF LICENSING FEES FOLLOWING THE IMPLEMENTATION OF THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) REGULATIONS 2020

Report of Annette Acik Director of Public Protection and Licensing

4. ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

(Pages 7 - 18)

Stuart Love
Chief Executive
3 June 2020



City of Westminster Report

Decision Maker:	Licensing Urgency sub-Committee
Date:	11 June 2020
Classification:	General Release
Title:	Emergency Review of Licensing Fees following the implementation of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020
Wards Affected:	All Wards
Key Decision:	
Financial Summary:	The implementation of these recommendations will result in the reduction in the Licensing Authority income of £866,714
Report of:	Annette Acik Director of Public Protection and Licensing

1. Executive Summary

- 1.1 The council manages several different licensing regimes under different pieces of legislation. Fees are charged for applications and most licences are required to renew annually and there is a fee for this.
- 1.2 Since the beginning of the pandemic the council has been approached by a small number of licence holders, mainly street traders, asking for fees and charges to be waived to support their businesses.
- 1.3 Following the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and the government's decision to impose restrictions on business and movement, a decision was made on 25 March to waive the street trading fees until the end of April. A decision was also made to delay the implementation of a fee increase for market traders until July 2020 and on 30 April it was decided to extend the waiver for Street traders that are unable to trade as a result of the restrictions, until the end of May.
- 1.4 The Licensing Authority has received letters, emails and phone calls from licence holders and solicitors representing licence holders and most notably from Amy Lamé, representing the Mayor of London and Kit Malthouse from the Home Office, asking the Council to consider waving annual and renewal fees and charges in support of business.

2. Recommendations

- 2.1 That the Licensing Authority adopts the approaches to renewing licences as recommended by the Covid Command Structure (Gold) in paragraphs 2.1 a) to i) below, until the end of the current Coronavirus restrictions, which shall include the waiving of certain fees where businesses are not permitted to trade, and reducing other fees pro-rata for business that are closed.

Licensing Act 2003

- a) Licence fees are statutory fees set by regulations, so the Council does not have the ability to reduce these fees. Licence holders will continue being reminded that the annual fee is due in the month that it is due. However, the Licensing Authority recommends that it will not pursue licensees that do not pay the annual fee while the premises are closed, and the licences will not be suspended.

When restrictions have been lifted, the Licensing Authority will contact any licence holders that have not paid the annual fee to seek payment. If the annual fee has not been paid one month after the premises re-opens the Licensing Authority will suspend the licence in accordance with the Act.

Gambling Act 2005

- b) The Licensing Authority is required to revoke a licence for failure to pay the annual fee, the Licensing Authority recommends that it will contact any licence holders that do not pay the annual fee on time to discuss their intention.

Massage and Special Treatment Licences

- c) Licence holders are invited to renew their licence as required however applicants will be asked to submit a renewal. The licence could then be granted for 12 months. The Licensing Authority recommends that the administration fee (Part A) will be payable in full. The enforcement fee (Part B) will be calculated on a pro-rata basis with a reduction for the months the premises was not able to trade.

Tables & Chairs Licences (T&Cs)

- d) While the premises are unable to use their table and chairs it is recommended that the start date for the licence will be deferred until the restrictions are lifted.
 - i) If at that point there is valid planning permission for six months, the licence will be issued, and the full fee will be payable.
 - ii) If by then the planning permission expires in less than six months the licence will still be issued but only for the remaining period of the planning permission and a pro-rata fee will apply.

Sexual Entertainment Venues (SEV)

- e) Licence holders will be invited to renew their licence as required. It is recommended that the licence will be granted for 12 months unless any objections to the application are received in which case the application would have to be determined by the Licensing Sub-Committee. For non-contested applications and those granted by the Licensing Sub-Committee, the administration fee (Part A) will be payable in full. The enforcement fee (Part B) will be calculated on a pro-rata basis with a reduction for the months the premises was not able to trade.

Sex Shops

- f) Licence holders are invited to renew their licence as required. It is recommended that the licence will then be granted for 12 months unless any objections to the application are received in which case the application would have to be determined by the Licensing Sub-Committee. For non-contested applications and those granted by the Licensing Sub-Committee, the administration fee (Part A) will be payable in full. The enforcement fee (Part B) will be calculated on a pro-rata basis with a reduction for the months the premises was not able to trade.

Marriage Venue Licences

- g) If the venue is closed. Licence holders are invited to renew their licence as required. The licence could then be granted for 3 years. It is recommended that the administration fee (Part A) is payable in full. The enforcement fee (Part B) will be calculated on a pro-rata basis with a reduction for the months the premises was not able to trade.

If the venue is open. Licence holders are invited to renew their licence as required to submit a renewal application with the full fee (Part A and Part B).

Street Trading Licences

- h) It is recommended that the daily charges for street traders (that are not trading) should be waived until such time as the current restrictions preventing them from trading are removed.
- i) The Regents Park Zoo Licence is due for renewal in June. It is also recommended that the Zoo be invited to renew as normal but be allowed a 90 day extension to pay the fee.

- 2.2 That this decision is reviewed monthly by Director of Public Protection & Licensing in conjunction with the Chair of the Licensing Committee until restrictions are lifted. If changes are recommended, they will be referred back to committee for a further decisions and approval.

3. Reasons for Decision

- 3.1 The majority of licensed premises are closed and for some licence types all activity has ceased, and the council is keen to assist businesses in the borough during the Coronavirus outbreak.

- 3.2 Licence types where the venues are closed, and must not trade include:

- Massage & Special Treatment Licences
- Tables & Chairs
- Sexual Entertainment Venues
- Sex Shops
- Zoo
- Gambling premises

- 3.3 Licence types where some business continue to trade/operate include:

- Those licenced under the Licensing Act
- Marriage Venues

- 3.4 Many licensing regimes require applications for renewal to be made before the expiry of the existing licence, and with the fee attached. Adoption of these approaches would help businesses renew their licence, ensuring they had a valid licence in place once the business can resume normal operations. It would also help businesses by waiving some fee, where appropriate, and deferring others until the business re-opened.

- 3.5 The Licensing Authority has been approached by a number of businesses and those representing businesses such as solicitors seeking clarification from the council on our future approach.

4. Background

4.1 The Licensing Authority manages the application and renewal process of a range of different licensing regimes including:

- Licensing Act 2003 Premises Licences
- Gambling Act 2005 Premises Licences
- Massage & Special Treatment Licences
- Tables & Chars Licences
- Sexual Entertainment Licences (SEVs)
- Sex Shop Licences
- Marriage Venue Licence
- Zoo Licences

Licensing Act 2003 & Gambling Act 2005 Premises Licences

4.2 Any person who is carrying on or who proposes to carry on a business which involves the use of premises for licensable activities under the Licensing Act 2003 or Gambling Act 2005 may apply for a premises licence either on a permanent basis or for a time-limited period. Once a premises licence is granted it is deemed to remain in force until such a time that it is surrendered, has lapsed or is revoked. All premises licensed by the authority are required to pay an annual fee which is payable each year on the anniversary of the date the licence was initially granted. The fee is payable irrespective of whether the holder of the licence intends to close the business at some point during the coming year or has taken over during the preceding year.

4.2 For premises licensed under the Licensing Act 2003 the annual fee charge is based upon the rateable value of the premises. Under the Gambling Act 2005 the annual fee is set at a maximum limit of £3000 for all premises.

4.3 With Gambling Act 2005 licences, if the annual application fee is not paid, the Licensing Authority must revoke the licence. This is in line with the Gambling Commission who must also revoke the operator's licence if the annual fee is not paid before the anniversary date of the original grant.

4.4 There are over 3700 premises licensed under the Licensing Act 2003 and 22 premises have the benefit of a Gambling Act 2005 premises licence.

4.5 Not all of the premises that benefit from a Premises Licence under the Licensing Act 2003 are currently closed. The government has made exceptions for those premises selling food and essential goods, including takeaways.

Massage and Special Treatment Licences

4.6 Any premises wishing to provide special treatments as defined in Part II of the London Local Authorities Act 1991 must be licensed to do so. All premises licensed by the authority have a yearly licence from the date of original grant. Premises renew their licences each year before the expiry of the licence and pay a fee with the application.

4.7 The cost of a Special Treatment licence is split into two fees. Part A is the administration fee. Part B is the enforcement cost for the 12-month period.

4.8 If the licence holder does not submit a renewal application before the expiry of the licence then the premises become unlicensed. A new application would have to be submitted and granted before the premises could trade again. There is a statutory consultation period. The fee for a new application is more expensive than a renewal application and applicants are required to submit more information with a new application.

4.9 All these venues are currently closed due to the restrictions.

Tables & Chairs Licences (T&Cs)

- 4.10 Any premises wishing to use on-street tables and chairs on the public highway as part of the operation of their business must first obtain two forms of statutory consent from the council:

Planning permission under the Town and Country Planning Act 1990, and
A temporary licence for street trading under the City of Westminster Act 1990.

- 4.11 T&Cs licences are granted in 6 monthly periods and are only granted once planning permission has been granted and the planning permission is usually only granted on a temporary basis. An applicant makes an application to Licensing Authority for a further/continuation of a licence once a 6-month period has expired if a permission for planning is still in existence. It is customary for a planning permission to be granted for either a one or two year period.
- 4.12 The cost of a temporary street trading licence for tables and chairs is dependent upon the number of tables and chairs and street furniture that the applicant is applying for.
- 4.13 Most of these venues are currently closed due to the restrictions and where the venue is not closed the T&Cs must be rendered out of use.

Sexual Entertainment Venues (SEV)

- 4.14 Sexual entertainment venues (SEVs) are a category of sex establishments that provide relevant entertainment. Anyone wishing to provide relevant entertainment in their premises must apply to the local authority to do so under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
- 4.15 All premises licensed by the authority have a yearly licence from the date of original grant. Premises renew their licences each year before the expiry of the licence and are required to pay a fee with the application.
- 4.16 The cost of a Sex Entertainment Venue licence is split into two fees. Part A is the administration fee. Part B is the enforcement cost for the 12 month period.
- 4.17 All New and Renewal applications, where an objection is received by the authority, are required to be determined by a Licensing Sub-Committee. Due to the nature of the relevant entertainment the majority of licences are subject to an objection.
- 4.18 All of these venues are currently closed due to the restrictions.

Sex Shops

- 4.19 Anyone wishing to sell, hire, exchange, lend display or demonstrate sex articles or other things that are intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity needs to be licensed by the local authority under Schedule 2 of the Local Government (Miscellaneous Provisions) Act 1982.
- 4.20 All premises licensed by the authority have a yearly licence from the date of original grant. Premises renew their licences each year before the expiry of the licence and pay a fee with the application.
- 4.21 The cost of a Sex Shop licence is split into two fees. Part A is the administration fee. Part B is the enforcement cost for the 12-month period.
- 4.22 As with SEVs all New and Renewal applications, where an objection is received by the authority, are required to be determined by a Licensing Sub-Committee. Due to the nature of the activity the majority of licences are subject to an objection.

4.23 All of these venues are currently closed due to the restrictions.

Marriage Venue Licences

4.24 Premises wishing to offer facilities for the solemnisation of marriage and the formation of civil partnerships must be approved by the relevant local licensing authority in pursuance of section 26(1)(bb) of the Marriage Act 1949 and Civil Partnerships in pursuance of section 6(3a)(a) of the Civil Partnership Act 2004.

4.25 All premises licensed by the authority have a tri-annual licence from the date of original grant. Premises renew their licences before the expiry of the licence and pay a fee with the application.

NB: The Marriage Act (unlike the other Acts) gives licence holders a further month after the expiry of the licence to submit a renewal application if the original expiry is missed.

4.26 The cost of a Marriage Venue licence is split into two fees. Part A is the administration fee. Part B is the enforcement cost for the 3-year period.

4.27 Not all these venues are closed but the current restrictions restrict the numbers of persons allowed to attend the ceremony.

4.28 The authority hosts one premises licensed under the Zoo Licensing Act 1981. The current licence is in force until 25th June 2020 before which the applicant is required to pay the renewal fee of £36,740.

Street Trading Licences

4.29 Westminster markets have seen a dramatic drop in footfall. Recent visits undertaken by the City Inspectors have confirmed that most traders are not trading, however, traders selling fresh food produce (essential commodity) are still trading in Tachbrook Market, Berwick Street, Maida Hill and Church Street during the weekdays and on weekends. The two Farmer's markets (Pimlico and Marylebone) have also been open for trading on a Saturday. There have been no isolated pitches trading since the Government guidance was issued and the exhibition artists have had to close as they do not sell essential products as outlined in the Guidance.

4.30 The number of pitches currently trading every day vary between 13 to 30 (excluding the Saturday Farmers Markets)

Zoo Licence

4.31 The Regent's park Zoo is due to renew its six-year licence in June. The Licencing Authority has been approached by the zoo's operator asking for consideration to be given to deferring the payment of its licence fee.

4.32 The Licensing Authority would support the operator being given a period of 90 days to pay the fee in full.

5. Financial Implications

5.1 The original Licensing Income for renewals was projected to be £4,503,579 (table 2) up to the end of December. The projected Licensing income is now projected to be £3,636,865 (table 5), a reduction of £866,714 (table 3) based on a 3 months disruption due to Covid 19.

In most cases the approach taken is deferring the payments and reducing other fees pro-rata for businesses that are closed. Street trading fees projection is based on the fees being waived for the first 3 months where businesses are not permitted to trade.

The calculations are based on no cancellations or loss of traders, and that all licenses are renewed.

LICENSING INCOME - ANALYSIS OF PROJECTED IMPACTS

TABLE 1 - SUMMARY

The table below sets out change from original baseline to projected income after changes set out in tables 3 and 4. It assumes there is **no loss** of traders and the only impact is from concessions/discounts and enforcement income that cannot be charged for.

Summary of Changes	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
ORIGINAL EXPECTED (T2)	£434,292	£396,827	£427,903	£479,874	£553,474	£753,409	£608,609	£435,823	£413,367	£4,503,579
NON-COLLECTION (T3)	-£291,424	-£250,683	-£221,401	-£4,934	-£9,491	-£20,472	-£5,783	-£22,752	-£39,775	-£866,714
PROJECTED (T5)	-£142,868	-£146,145	-£206,502	£495,515	£0	£0	£0	£0	£0	£0
PROJECTED (T5)	£0	£0	£0	£970,455	£543,984	£732,937	£602,826	£413,071	£373,592	£3,636,865
NET CHANGE	-£434,292	-£396,827	-£427,903	£490,581	-£9,491	-£20,472	-£5,783	-£22,752	-£39,775	-£866,714

TABLE 2 - ORIGINAL EXPECTED PROFILE OF INCOME

Table below sets out the profile by month and by licence type of the income anticipated through the year up to December

Licence Type	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
LA03**	£18,180	£56,410	£47,750	£89,760	£119,565	£256,395	£153,280	£74,490	£36,030	£851,860
GA05**	£0	£0	£0	£0	£27,000	£57,000	£3,000	£0	£0	£87,000
Street Trading	£196,686	£212,053	£198,406	£231,099	£231,301	£222,332	£235,268	£220,264	£229,420	£1,976,829
T&C	£177,276	£106,729	£97,672	£126,545	£109,743	£83,632	£177,276	£106,730	£97,673	£1,083,275
Zoos	£0	£0	£36,740	£0	£0	£0	£0	£0	£0	£36,740
MST Total	£36,300	£19,965	£36,300	£29,040	£50,820	£98,010	£38,115	£32,670	£43,560	£384,780
MST Part A	£14,460	£7,953	£14,460	£11,568	£20,244	£39,042	£15,183	£13,014	£17,352	£153,276
MST Part B	£21,840	£12,012	£21,840	£17,472	£30,576	£58,968	£22,932	£19,656	£26,208	£231,504
SEV Total	£3,345	£0	£0	£0	£10,035	£30,105	£0	£0	£3,345	£46,830
SEV Part A	£1,083	£0	£0	£0	£3,249	£9,747	£0	£0	£1,083	£15,162
SEV Part B	£2,262	£0	£0	£0	£6,786	£20,358	£0	£0	£2,262	£31,668
Sex Shop Total	£0	£0	£6,860	£3,430	£0	£3,430	£0	£0	£0	£13,720
Sex Part A	£0	£0	£2,336	£1,168	£0	£1,168	£0	£0	£0	£4,672
Sex Part B	£0	£0	£4,524	£2,262	£0	£2,262	£0	£0	£0	£9,048
Marriage Total	£2,505	£1,670	£4,175	£0	£5,010	£2,505	£1,670	£1,670	£3,340	£22,545
Marriage Part A	£2,205	£1,470	£3,675	£0	£4,410	£2,205	£1,470	£1,470	£2,940	£19,845
Marriage Part B	£300	£200	£500	£0	£600	£300	£200	£200	£400	£2,700
TOTAL	£434,292	£396,827	£427,903	£479,874	£553,474	£753,409	£608,609	£435,823	£413,367	£4,503,579

* Annual fee not set by the council

2010

Below sets out the anticipated loss of income from street trading and not being able to charge for 3/12ths of enforcement licence charges (Part B). Tables and chairs also anticipates some lost income.

Licence Type	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
LA03**	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
GA05**	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Street Trading	-£196,686	-£212,053	-£198,406	£0	£0	£0	£0	£0	£0	-£607,145
T&C	-£88,638	-£35,576	-£16,279	£0	£0	£0	£0	-£17,788	-£32,558	-£190,839
Zoos	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
MST Total	-£5,460	-£3,003	-£5,460	-£4,368	-£7,644	-£14,742	-£5,733	-£4,914	-£6,552	-£57,876
MST Part A	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
MST Part B	-£5,460	-£3,003	-£5,460	-£4,368	-£7,644	-£14,742	-£5,733	-£4,914	-£6,552	-£57,876
SEV Total	-£566	£0	£0	£0	-£1,697	-£5,090	£0	£0	-£566	-£7,917
SEV Part A	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
SEV Part B	-£566	£0	£0	£0	-£1,697	-£5,090	£0	£0	-£566	-£7,917
Sex Shop Total	£0	£0	-£1,131	-£566	£0	-£566	£0	£0	£0	-£2,262
Sex Part A	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Sex Part B	£0	£0	-£1,131	-£566	£0	-£566	£0	£0	£0	-£2,262
Marriage Total	-£75	-£50	-£125	£0	-£150	-£75	-£50	-£50	-£100	-£675
Marriage Part A	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Marriage Part B	-£75	-£50	-£125	£0	-£150	-£75	-£50	-£50	-£100	-£675
TOTAL	-£291,424	-£250,683	-£221,401	-£4,934	-£9,491	-£20,472	-£5,783	-£22,752	-£39,775	-£866,714

*Annual fee not set by the council

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Table below shows the cash flow impact from not enforcing collection of licences in April-June and assumes these will be collected in full in July on return to operation.

Licence Type	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
LA03**	-£18,180	-£56,410	-£47,750	£122,340						£0
GA05**	£0	£0	£0	£0						£0
Street Trading	£0	£0	£0	£0						£0
T&C	-£88,638	-£71,153	-£81,393	£241,184						£0
Zoos	£0	£0	-£36,740	£36,740						£0
MST Total	-£30,840	-£16,962	-£30,840	£78,642						£0
MST Part A	-£14,460	-£7,953	-£14,460	£36,873						£0
MST Part B	-£16,380	-£9,009	-£16,380	£41,769						£0
SEV Total	-£2,780	£0	£0	£2,780						£0
SEV Part A	-£1,083	£0	£0	£1,083						£0
SEV Part B	-£1,697	£0	£0	£1,697						£0
Sex Shop Total	£0	£0	-£5,729	£5,729						£0
Sex Part A	£0	£0	-£2,336	£2,336						£0
Sex Part B	£0	£0	-£3,393	£3,393						£0
Marriage Total	-£2,430	-£1,620	-£4,050	£8,100						£0
Marriage Part A	-£2,205	-£1,470	-£3,675	£7,350						£0
Marriage Part B	-£225	-£150	-£375	£750						£0
TOTAL	-£142,868	-£146,145	-£206,502	£495,515	£0	£0	£0	£0	£0	£0

The table below shows the result of the above changes

Licence Type	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
LA03**	£0	£0	£0	£212,100	£119,565	£256,395	£153,280	£74,490	£36,030	£851,860
GA05**	£0	£0	£0	£0	£27,000	£57,000	£3,000	£0	£0	£87,000
Street Trading	£0	£0	£0	£231,099	£231,301	£222,332	£235,268	£220,264	£229,420	£1,369,684
T&C	£0	£0	£0	£367,729	£109,743	£83,632	£177,276	£88,941	£65,115	£892,436
Zoos	£0	£0	£0	£36,740	£0	£0	£0	£0	£0	£36,740
MST Total	£0	£0	£0	£103,314	£43,176	£83,268	£32,382	£27,756	£37,008	£326,904
MST Part A	£0	£0	£0	£48,441	£20,244	£39,042	£15,183	£13,014	£17,352	£153,276
MST Part B	£0	£0	£0	£54,873	£22,932	£44,226	£17,199	£14,742	£19,656	£173,628
SEV Total	£0	£0	£0	£2,780	£8,339	£25,016	£0	£0	£2,780	£38,913
SEV Part A	£0	£0	£0	£1,083	£3,249	£9,747	£0	£0	£1,083	£15,162
SEV Part B	£0	£0	£0	£1,697	£5,090	£15,269	£0	£0	£1,697	£23,751
Sex Shop Total	£0	£0	£0	£8,594	£0	£2,865	£0	£0	£0	£11,458
Sex Part A	£0	£0	£0	£3,504	£0	£1,168	£0	£0	£0	£4,672
Sex Part B	£0	£0	£0	£5,090	£0	£1,697	£0	£0	£0	£6,786
Marriage Total	£0	£0	£0	£8,100	£4,860	£2,430	£1,620	£1,620	£3,240	£21,870
Marriage Part A	£0	£0	£0	£7,350	£4,410	£2,205	£1,470	£1,470	£2,940	£19,845
Marriage Part B	£0	£0	£0	£750	£450	£225	£150	£150	£300	£2,025
TOTAL	£0	£0	£0	£970,455	£543,984	£732,937	£602,826	£413,071	£373,592	£3,636,865

6. Legal Implications

The Power to Set (Waive/defer) Fees

- 6.1 In terms of fees for applications made under the Licensing Act 2003, these are set centrally by the government, so the Council has no discretion to reduce or suspend the licence fees payable when an application is made.
- 6.2 However, if the annual application fee is not paid, the licence does not automatically lapse. The licence would continue until the Licensing Authority takes action to suspend the licence. So, the Council does have an element of flexibility and could decide to delay the suspension of the licence for the non-payment of the annual fee for such period as it considers appropriate.
- 6.3 Some licensed premises have adapted during the lockdown, for example by, offering a takeaway service and in these cases it may not be appropriate to recover the annual fee on its due date.
- 6.4 In relation to applications for premises licences under the Gambling Act 2005, a fee must be paid when an application is made or when the annual fee is payable otherwise the Licensing Authority has no option but to revoke the licence. The maximum level of fees payable are set by the legislation but the Licensing Authority does have the discretion to decide what level to charge up to the maximum fee payable.
- 6.5 In relation to the other licensing regimes referred to in paragraph 2.1 of this report such as special treatment, and sexual entertainment venue applications, the Council does have the discretion to decide what fees to set. The Council therefore has the power to reduce or suspend the fees payable for such period as it considers appropriate during the lockdown period. Applicants would still need to submit their renewal applications to preserve the validity of the licence. This Licensing Authority is entitled to grant/renew licences for the periods and fees recommended in this report.
- 6.6 Licensing fees are normally approved by the full Licensing Committee. As the next licensing committee is not due to take place until 8th July, in the case of urgency, any reduction in fees can be approved by arranging a special meeting of the Urgency Sub-Committee of the Licensing Committee. This would consist of three members and could be held remotely.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact: Andy Ralph, Head of Licensing and Regulatory Service, aralph@westminster.gov.uk

BACKGROUND PAPERS

None