



CITY OF WESTMINSTER

MINUTES

Licensing Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Wednesday 1st December, 2021**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Matthew Green (Chair), Barbara Arzymanow, Susie Burbridge, Rita Begum, Maggie Carman, Aicha Less, Murad Gassanly, Jim Glen, Louise Hyams, Tim Mitchell, Karen Scarborough, Aziz Toki and Melvyn Caplan

1 MEMBERSHIP

- 1.1 Apologies were received from Councillors Heather Acton and Jacque Wilkinson.
- 1.2 The Chair reported that Councillor Richard Elcho had stepped down from the Committee and members provided their thanks for all his hard work and efforts on licensing. The Committee also welcomed Councillor Melvyn Caplan who had joined the Committee in his place.

2 DECLARATIONS OF INTEREST

- 2.1 There were no declarations of interest.

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the Licensing Committee held on 7 July 2021 were approved as a correct record of proceedings.

4 LICENSING SERVICE FEE REVIEW 2021-22

- 4.1 Daisy Gadd, Senior Practitioner for Licensing, introduced the report and provided details of the fee review that had been undertaken by the Licensing Service for all licensing regimes where the council were able to set a fee. The proposed amended fees were intended to take affect from 2 December 2021 and it was explained that these were in line with the annual inflation rate in the

United Kingdom which had increased to 3.1%. This was the rate of Consumer Price Inflation (CPI) and since CPI related to consumer goods it was considered the most appropriate measure of inflation to apply in this circumstance whilst maintaining a cost recovery process when reviewing fees.

- 4.2 In response to questions it was clarified that the proposed fees had been calculated on a full cost basis which considered both the direct and indirect costs associated with processing, monitoring and enforcing the licences plus a 3.1% inflation increase. When setting fees there was a statutory requirement to consider the income received for a licensing scheme compared to the overall cost of delivering the scheme. The fee level had to be set to recover the actual costs incurred by the Council in running the regime but not to make a profit.
- 4.3 The Committee noted that a full review of the charges relating to street trading licensing would be conducted in 2022. Therefore, the only consideration in the report before the Committee for street trading would be the proposed 3.1% increase for tables and chairs licences.

RESOLVED:

That the proposed fees set out in the report be approved and commence on the 2 December 2021.

5 INTRODUCING CHARGING FOR CLASSIFICATION OF FILMS

- 5.1 Daisy Gadd, Senior Practitioner for Licensing, introduced the report and highlighted that whilst the Licensing Authority had nominated the British Board of Film Classification (BBFC) as its standard classification body for films, the Licensing Authority was ultimately responsible for film classifications relating to the exhibition of films within Westminster and had the power to classify films.
- 5.2 The Committee was interested to note that in an average year before the pandemic, the Licensing Authority would receive over twenty feature length film classification requests and also hosted over twenty film festivals per year. The majority of the films for exhibition at these film festivals had not been classified by the BBFC classification process and required classification by the Licensing Authority. As a result, the Licensing Authority already operated its own film classification process. However, there was currently no fee charged for providing a film classification.
- 5.3 Therefore, the Cabinet Member for Business, Licensing and Planning had agreed proposals to introduce a fee scheme run on a cost recovery basis. The fees charged would purely cover the costs associated with the film classification process and it was anticipated that nearly £25,000 could be generated through this fee scheme.
- 5.4 The Committee discussed the proposal in detail and agreed that the proposals were an appropriate mechanism to classify films. It was recognised

that many other local authorities already operated similar schemes to the one proposed. The Committee was also pleased to note that the fee scheme would be run on a cost recovery basis and as a result it was not intended to impact upon community-run events. The fees charged would cover the costs associated with the film classification process.

RESOLVED:

- 1) That the Committee supported the film classification process agreed by the Cabinet Member for Business, Licensing and Planning including the reasonable costs to cover the classification process.
- 2) That the Committee supported the proposals agreed by the Cabinet Member for Business, Licensing and Planning for the fees charged to the applicant to be based on the following criteria as shown in appendix 3 of the report:
 - The length of the film submitted was based on a Band 3.5 officer minute rate.
 - The application fee was based on a Band 3.5 officer hourly rate.
 - The appeal classification, where the applicant was requesting the film to be reclassified would be referred to the Team Manager and would be charged based on band 4.4 (Team Manger minute rate).

6 LICENSING APPEALS UPDATE

- 6.1 Heidi Titcombe, Principal Planning and Licensing Solicitor, introduced the report which provided a summary of recent appeal results. The Committee noted the summary which included details of the four appeals that Legal Services had been dealing with since March 2021, two of which had now been withdrawn and two which were pending determination. The Committee was informed that further details of the outcomes of these would be provided once additional information was available.
- 6.2 The Committee expressed its thanks to Legal Services for an outstanding record on appeals and the excellent advice they provided to Committee members. The Chair also thanked the Committee members for their sound judgment and the balanced way they adjudicated applications.

RESOLVED:

That the report be noted.

7 ANY OTHER BUSINESS

- 7.1 Councillor Karen Scarborough raised the topic of licences in Special Consideration Zones and encouraged Environmental Health and the Police to maintain their representations for such applications, particularly when there

had been issues arising from the operation of the Premises. The Committee noted the suggestion.

The Meeting ended at 11.03 am

CHAIRMAN: _____

DATE _____