



CITY OF WESTMINSTER

MINUTES

Licensing Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Monday 17th July, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aziz Toki (Chair), Maggie Carman (Vice-Chair), Concia Albert, Melvyn Caplan, Jim Glen, Louise Hyams, Md Shamsed Chowdhury, Robert Eagleton, Iman Less, Tim Mitchell, Angela Piddock, Caroline Sargent and Judith Southern

1 MEMBERSHIP

- 1.1 The Chair confirmed that Councillor Karen Scarborough had replaced Councillor Laila Cunningham on the Committee.
- 1.2 Apologies were received from Councillors Karen Scarborough and Jacqui Wilkinson.

2 DECLARATION OF INTEREST

- 2.1 There were no declarations of interest.

3 MINUTES

3.1 RESOLVED:

That the minutes of the Licensing Committee meeting held on 22 March 2023 were a correct record of proceedings.

4 UPDATE ON LICENSING POLICY WORK PLAN

- 4.1 The Head of Licensing, Place and Investment Policy introduced a report which provided a summary of the planned work streams related to licensing policy development and delivery over a two-year period (2023/24 and 2024/25). Updates were provided on the following areas:

- Licensing Act 2003 - The Council was currently reviewing its Cumulative Impact Assessment (CIA) and was due to publish a revised version before the end of October 2023. Officers were in the process of data collection and analysis before moving to the production of the CIA document itself in late July 2023.
- Busking and Street Entertainment Policy - When the scheme was adopted, the Council committed to undertake a review of the policy's effectiveness and whether it should be revised following a full year of operating the scheme. It was confirmed this review would be considered by the Council's Policy & Scrutiny Committee in late July 2023 following which any comments and recommendations would be considered.
- Highways and Outside Space Licensing Policy - The Government was committed to making the Pavement Licence regime permanent via the Levelling Up and Regeneration Bill, once given Royal Assent. At present there were no provisions within the Bill to require a local authority to develop a pavement licence licensing policy. However, based on the level of concern from residents and the potential wider cumulative impact that the use of outside highway space for licensed purposes may have on the West End, Officers intended to start the development of a new policy for the use of outside space for licensing activities.
- Sex Establishments Policy - Officers intended to produce a new policy which would cover all three sex establishment categories, sex shops, sex cinema and sexual entertainment venues. Officers intended to start development of this new policy in the Spring of 2024 with the final adoption of the policy by the end of 2024.
- Gambling Policy - The Gambling Policy was new and had been in effect for just over 7 months. The statutory three-year period when the policy had to be reviewed would end on the 30 January 2025. Officers intended to start a review of the Local Area Profile, which provided the evidence base for a number of policies within the Gambling Policy and the revision of the policy itself, in the spring of 2024.

4.2 The Committee was interested to learn more about the work being undertaken to revise its CIA. It was explained that the data collection was now complete, and analysis of the information had commenced. Initial analysis of the data had shown that there were elements of the current policy framework that may need to be revised to keep up with the types of applications it received and the potential impact of those operations on the city. Members considered how the current policy framework relied on defining a premises based on its use and then applying that premises use policy. It had become clear that this approach was dated and that licensed premises operations did not always fit the definition of premises use as set out in those policies. Members were pleased to note that as part of the consultation, briefing sessions would be held with the members of the Licensing Committee to

obtain their views and comments which would help formulate the final version of the document.

- 4.3 Members however expressed some concern over engagement with the Committee on the licensing policy work being undertaken. The importance of the Committee inputting into the development of such policies was highlighted due to their licensing expertise and the fact they had to consider such policies when making decisions at Licensing Sub-Committee meetings. It was noted that Policy and Scrutiny would be considering a review of the Busking and Street Entertainment licensing regime in July 2023, but Members stressed that the Licensing Committee should also be heavily involved in any discussions going forward.
- 4.4 The Committee was interested to learn about the level of intended engagement due to take place when revising the policies. Members were pleased to note that briefing sessions would be held with them on the updating of the CIA which would include the preliminary results from the Cumulative Impact Assessment as well as appeals and decisions and the Council's policy approach and future direction. A paper on the CIA was due to come to the next Committee meeting in October 2023 for consideration. Over the next two years a significant amount of policy work would be undertaken, especially with regards to Street Entertainment and Busking, and the Committee was informed that it would be fully involved in the consultation process.
- 4.5 **RESOLVED:** That the report be noted.

5 UPDATE OF LICENSING APPEALS

- 5.1 The Committee received a report from the Principal Licensing Solicitor which provided a summary of the status of the appeals being dealt with. The Committee noted the summary which included details of the four appeals that Legal Services had been dealing with since March 2023, one of which had been settled and three which were pending determination. It was also noted that Legal were dealing with two pending judicial reviews.
- 5.2 Members were interested to learn that the number of appeals received had increased recently and this was probably due to the increase in applications being refused. At the upcoming briefing session on the updating of the CIA, discussions would also take place with Members on appeals, trends and any emerging issues noted coming before Licensing Sub-Committees.
- 5.3 **RESOLVED:** That the report be noted.

The Meeting ended at 7.26 pm

CHAIRMAN: _____

DATE _____