



Licensing Committee Report

Date	20 March 2019
Classification	For General Release
Title or report	Development of the Licenising Policy and Synergy with the City Plan 2019 - 2040
Report of	Director of Policy, Performance and Communication
Decision maker	Licensing Committee
Wards involved	All
Financial summary	There are no direct financial implications as a result of this report.
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1. Executive Summary

- 1.1 In preparation of the review of the councils Licensing Policy under the Licenising Act 2003 officers are seeking the views of the Licensing Committee on the proposal to synergise the Licensing Policy with the councils new City Plan 2019 – 2014.

2. Background

- 2.1 The council is required under the Licenising Act 2003 (the Act) to produce a statement of Licenising Policy that sets out its approach to considering and determining licensing applications. The council is required to keep the Licensing Policy statement under review and where necessary make changes to it. In any event the council must revise its Licensing Policy every five years.
- 2.2 The council has undertaken five revisions of its Licensing Policy since it came into force in 2005. Although the policy has been revised over this period the structure and approach has remained the same. The Licensing Policy has been very effective in preventing the activities that will add to cumulative impact or will not promote the licensing objectives. However, the Licensing Policy is drafted in a way that predominantly sets out what the council would not permit rather than what it would. It also doesn't provide a specific vision of how the Licensing Policy can promote the

development of the city, especially the Evening and Night Time Economy (ENTE). Although effective in preventing certain activities the current policy may not encourage or appear as a barrier to small start-up businesses, innovation and growth.

- 2.3 The council is also required to produce a local development plan for the management of development within Westminster under the Planning and Compulsory Purchase Act 2004. The council's local plan is made up of the City Plan (2016) and saved policies in the Unitary Development Plan (2006).
- 2.4 The council's current local development plan covers common themes to the Licensing Policy such as references to specific licensing policies and policy areas, e.g. Stress Area/Cumulative Impact Areas. However, planning and Licensing are very distinct regimes and in determining applications each decision maker must determine the applications based on the requirements under the relevant regulatory regime. This can result in premises being granted planning permission, for example for a live music venue, but the licence was refused. There can also be conditions imposed on one permission that conflict with the other, e.g. hours, deliveries, tables and chairs. There are some instances where the City Plan promotes certain uses or activities which would require a licence but the Licensing Policy would have a presumption to refuse those types of activities. Although there are often good reasons for this it can cause some confusion with premises owners/businesses and residents as decision by the council can seem conflicting.
- 2.5 The council's new draft City Plan 2019 – 2040 is a plan for the development in Westminster over the next 20 years. The adopted City Plan (2016) and remaining saved Unitary Development Plan (UDP) policies (2007) are undergoing a complete review to produce a new, single local plan, which will contribute towards the corporate City for All objectives. The City Plan 2019-2040 is very different from previous plans. It sets out the council's objectives for developing the city and is more positive, focusing on what the council want to promote rather than what it will not.
- 2.6 The City Plan has been developed on three key City for All themes. These are homes and communities, a healthier and greener city and opportunities for growth. These themes underpin the objectives of the City Plan and ensure the policy approach achieves the wider aspirations of the council in the development of the city.

3. Opportunities to synergise the Licensing Policy with the City Plan

- 3.1 In considering the approach to revising the councils Licensing Policy there is an opportunity to review the current policy framework and synergise any revision with the councils City Plan. Officers are in the early planning stage for the revision of the Licensing Policy work.
- 3.2 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.

- 3.3 The elements of the City Plan that the Licensing Policy could be synergised with are:
- 3.3.1 A Licensing Policy for the next 20 years - Establishing a Licensing Policy that supports the development of the city up to 2040 built upon the City for All themes.
 - 3.3.2 Supportive policies - Policies where possible could be developed to support the City Plan in key areas where it is unlikely that the operation would create a risk to the licensing objectives.
 - 3.3.3 Neighbourhood approach to Licensing Policies - The City Plan refers to Neighbourhoods and specific policies and plans associated with them. The Licensing Policy could mirror these neighbourhoods and develop specific policies that are relevant to the needs of the local community and development of the area (in collaboration with Neighbourhood Forums).
 - 3.3.4 Supporting wider council initiatives - The Licensing Policy should support the wider initiatives such as public realm and place shaping, economic development areas, etc.
 - 3.3.5 Culture and community use - The Licensing Policy could actively promote cultural and community use of premises and permit certain activities that support those uses.
 - 3.3.6 Supplementary guidance - Development of Licensing Policy supplementary guidance that would contain additional interpretation of the relevant policies or technical standards.

A Licensing Policy for the next 20 years

- 3.4 The Licensing Policy could be revised to promote the themes and development of the city over the next 20 years. The Licensing Policy could mirror the City Plan using the same City for All themes. Some examples of how the themes for the City Plan could be incorporated into the Licensing Policy are set out in the table below:

City for All Theme	Licensing Policy Objectives or Best Practice
Homes and communities	Reducing noise nuisance Reduction in crime Promoting community uses Inclusive and Diverse offer Protecting children and the vulnerable from harm
Healthier and greener city	Alcohol consumption Medical cover in clubs Noise inside venues

	Underage sales Super strength alcohol Deliveries – electric vehicles* Single use plastic* Reducing A&E admissions due to assaults or alcohol related harm Ensuring children sleeping are not disturbed
Opportunities for growth	Supporting our high streets to thrive Promoting start-ups and local small businesses Job creation Expanding the opportunity to access cultural venues or events

* Best practice rather than specific requirement on operators.

3.5 Although the City Plan is a document looking to the future (2040) it also will be regularly reviewed and revised during its 20-year period – in fact there is a requirement to review local plans every five years. The Licensing Policy can take a similar approach to the City Plan. The review and revision every 5 years would enable changes to be made to the policies within the document to ensure that it is still effective in driving forward the 20-year vision.

Supportive policies

3.6 There are a number of supportive policy approaches that can be developed as part of the synergy between both policy documents. One of the major policy approaches within the City Plan is the promotion of maintaining our world class retail offer and health high streets. The aim of the City Plan is to diversify the offer on the high street to encourage longer dwell time, more consumer spend and ultimately commercial growth. To do this the City Plan proposes to permit other ancillary uses within retail premises. A number of retail premises have looked to provide food and drink within their premises, often requiring a limited alcohol offer. The Licensing Policy could specifically look to support this by permitting, subject to the level of alcohol on offer and the operation of the venue the grant of licences for this purpose.

3.7 The City Plan also promotes different uses of properties on a temporary basis to reduce the number of empty premises in the high street where they are between occupiers. This approach will support ‘pop up’ temporary businesses that wish test their business model or are trying to establish themselves before committing to a longer lease or purchase in the area. The Licensing Policy could actively support temporary uses of premises for activities that require a licence. This could support smaller independent

operators or start-up businesses as well as create additional opportunities for local job creation.

Neighbourhood approach to Licensing Policies

- 3.8 The City of Westminster is extremely diverse and a common policy approach across the city may not be effective or beneficial for some areas. The City Plan identifies special policy areas where specific planning policies apply to manage issues particular to that area. For example, Soho has been defined as a special policy area due to its unique historical significance. The City Plan aims to maintain the mix of uses in the area but also ensures that unit sizes remain reasonably small. This is intended to promote the use of these units by independent operators, small businesses or start-ups. The City Plan policy for Soho also promotes live music venues in this area. The Licensing Policy could be more supportive of smaller independent operators as well as promoting venues that provide live (amplified) music as the prominent part of the offer.
- 3.9 Designated Neighbourhood Forums have the power to create a Neighbourhood Plan (NP) to manage development in their local area. NPs become part of the local development plan once they have been through independent examination, referendum and are 'made' by the council. A number of emerging NPs have been drafted to include elements that relate to licensing rather than planning. Licensing Policies could be developed to align with existing and emerging Neighbourhood Plans and Neighbourhood Forum areas to respond to the issues the Forums have identified. These policies could look specifically at what the make-up of the area is and how licensing can support the offer to that community.
- 3.10 There may be areas of the city where certain activities could be further restricted. For example, if there is an area which has a specific issue with street drinking, a tougher approach could be taken to off licence applications in that area compared to areas where there are little to no issues with street drinking. This approach would specifically look at the local issues and circumstances which is supported by the councils Effective Neighbourhood Working.

Supporting wider council initiatives

- 3.11 The Licensing Policy, in addition to synergising with the City Plan could also support wider initiatives for place shaping and public realm improvements. It could also support wider economic initiatives such as the North West Economic Development Area, Oxford Street District and Strand/Aldwych. The policy can also be a key delivery vehicle for the councils Evening and Night Time Vision which is due to be published later this year.

Supplementary guidance

- 3.12 Applicants often rely on officers to provide them with advice and guidance during the application phase. If pre-application advice has not been provided this can take a considerable amount of officer time depending on the type of application or query raised. Although the support assists with the process, the demand on officer time could be reduced significantly by providing documents that contain relevant and concise information or guidance. The City Plan is currently supported by a suite of supplementary guidance to provide more specific detail on the interpretation of the relevant policies or the technical standards required to meet those policies.
- 3.13 The Licensing Policy could start to utilise supplementary guidance documents in support of specific licensing policies. The licensing policies could refer to these guidance documents without the need provide the specific level of detail within the Licensing Policy document. Therefore, these guidance documents can be updated without any impact on the Licensing Policy. It would also prevent the Licensing Policy from becoming outdated as and when technical standards or council approach changes. The provision of supplementary guidance would support applicants and residents understand the council requirements to support the Licensing Policy and Licensing Objectives. It will also enable businesses, who cannot necessarily afford to employ solicitors or agents to better understand what they are required to do to increase the likelihood of being granted a licence.
- 3.14 As part of the review of the City Plan the current planning supplementary guidance documents are being reviewed and will be consolidated and updated. As part of this process, there is an opportunity to develop these documents to apply to both the City Plan and Licensing Policy going forward. These dual use guidance documents would ensure that both regimes utilise the same technical information on, for example noise, extraction, emissions.
- 3.15 There are a number of opportunities to synergise the two policy documents so that they work together to achieve the council's aims for the development of the city. Officers intend to work up more detailed proposals on the plans for developing the councils Licensing Policy following receiving views from the Licensing Committee and Cabinet Member for Public Protection and Licensing.

4. Next Steps and timeline

- 4.1 Following receiving some initial views from the Licensing Committee and Cabinet Member officers will look to produce a more detailed view on the approach to the revision of the Licensing Policy. This will then be reviewed by the Chair of the Licensing Committee and the Cabinet Member. If the approach is agreed officers will start engaging with relevant departments, stakeholders and residents on their views on what should be considered as part of any revision.

- 4.2 The councils Licensing Policy must be reviewed and published before the 7th January 2021 to meet the statutory 5-year deadline under the Act. A more detailed timeline for the revision, consultation and publication of the Licensing Policy will be provided at a later date following the steer from this Committee. However, it is aimed to identify our approach, proposed policy revisions and gather evidence this year. In 2020 consultation and further evidential analysis will be conducted. It is planned that the final draft of the revised Licensing Policy will go before Full Council for adoption in November 2020 with an implementation date of the 3rd January 2021.
- 4.3 The City Plan has just completed its informal public consultation phase. Officers are now reviewing the responses from that consultation before they start the statutory formal Regulation 19 consultation in June. Following formal consultation the draft City Plan will be submitted to the Secretary of State for an examination in public in autumn 2019, with a view to adopting the new plan in early 2020 .

5. Staffing Implications

- 5.1 There are no staffing implications as a result of this report.

6. Legal Implications

- 6.1 There are no legal implications as a result of this report.

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

Mr Kerry Simpkin, Interim Licensing Policy and Strategy Manager - Policy, Performance and Communications

Background Papers

Westminster City Councils Draft City Plan

Westminster City Councils Current Statement of Licensing Policy