



Licensing Committee Report

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| Date | 6 September 2019 |
| Classification | General Release |
| Title or report | Licensing Overview |
| Report of | Director of Public Protection and Licensing |
| Decision maker | For information |
| Financial summary | None |
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1. Introduction

1.1 This report provides an overview of the Licensing Service over a period of 2 financial years. The report outlines the types of regimes and applications handled by the Licensing Service, team performance, significant trends and high-profile premises.

2. Licensing Regimes

2.1 The Licensing Service deals with applications received over approximately 25 different licensing regimes. The majority of applications are governed by the Licensing Act 2003, including new premises licence applications, temporary event notices and applications to transfer the premises licence holder. Other areas of licensing activity include:

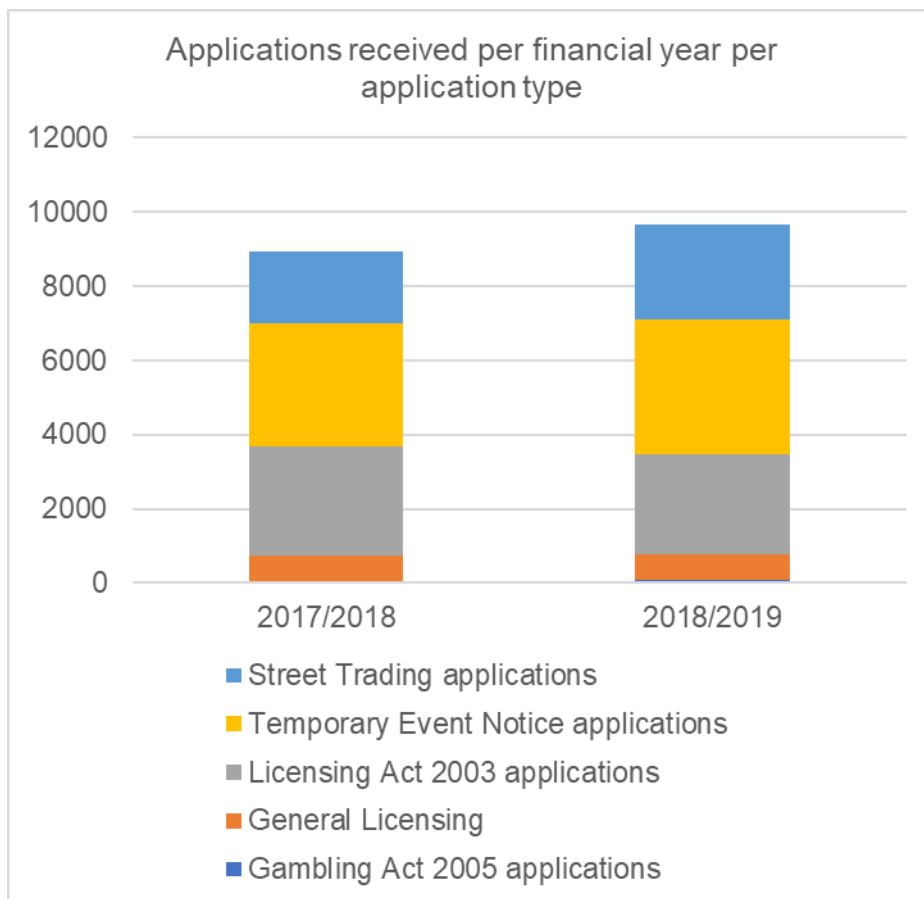
- Gambling Act 2005: including casinos and betting shops.
- London Local Authorities Act 1991/2000: including massage and special treatment premises.
- Zoo Licensing Act 1981 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018: including ZSL London Zoo and regulating other animal regimes such as dog boarding establishments, performing animals and pet shops.

- The Marriage and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011
- City of Westminster Act 1999: regulating street trading applications and activity, including the designation of pitches in Westminster’s markets, as well as isolated pitches where street trading is permitted.
- Local Government (Miscellaneous Provisions) Act 1982: regulating the licensing of sex establishments, sex shops and sexual entertainment venues.

3. Applications received by the Licensing Service

3.1 Over the past 2 years, the Licensing Service has received over 8000 applications per year. Year on year we are seeing an increase in the number of applications received, with an 8% increase from 2017/2018 to 2018/2019.

3.2 The graph below shows the number of applications received per financial year per application type for the years 2017/2018 and 2018/2019.



3.3 For the purposes of this report, General Licensing includes applications for massage & special treatment premises, sexual entertainment venues, explosives, auctions and film classifications.

3.4 The table below shows the actual number of applications received per financial year supporting the information provided in the graph above.

| Financial Year | Total Number of Applications Received | Application split | | | | |
|------------------|---------------------------------------|-------------------|-------------------|--------------------|------------------------|----------------|
| | | Gambling Act 2005 | General Licensing | Licensing Act 2003 | Temporary Event Notice | Street Trading |
| 2017/2018 | 8944 | 59 | 676 | 2942 | 3330 | 1937 |
| 2018/2019 | 9681 | 81 | 679 | 2724 | 3636 | 2561 |

Digital Platform

3.5 Since 2015, a number of E-Forms have been introduced by the Licensing Service in relation to both Premises Licensing and Street Trading applications. E-forms provide accessible, easy to complete forms, taking instant payment and integrating into the Council's database. By introducing online forms, the Licensing Service has reduced the number of paper applications received. In the financial year 2018/2019, over 75% of applications received by the Licensing Service were submitted via E-Forms. So far for 2019/2020, this has increased to over 80%.

3.6 E-forms have enabled the Licensing Service to considerably reduce the time spent on inputting data and processing applications, allowing them to respond to increasing demand (see team performance at point 4 below). The Licensing Service is currently working on integrating the remainder of application forms that can be implemented via the electronic system. This is expected to be completed by the end of this financial year and will create a single online space for applicants to submit licence applications.

3.7 Within the next 12 months the Licensing Service hopes to become fully digital. To achieve this, we have removed postal applications from the website to encourage applicants to use the online system and will offer training to those customers who may need further assistance.

4. Team Performance

4.1 The Licensing Service has an internal key performance indicator of processing applications within 2 working days of receipt. Over the last 2 financial years, more than 90% of applications were processed within this deadline.

4.2 The table below shows the total number of applications received by the Licensing Service year on year, as well as the number of those applications to have been processed within 2 days of receipt.

| Financial Year | Total Number of Applications Received | Number of Applications Received Within 2 Days of Receipt | Percentage of Applications Processed Within 2 days of Receipt |
|-----------------------|--|---|--|
| 2017/2018 | 8944 | 8046 | 90% |
| 2018/2019 | 9681 | 8898 | 92% |

4.3 We have seen an increase in processing a higher percentage of applications within 2 days of receipt than previous years.

4.4 Although the Licensing Service consistently achieves over 90% for processing applications within 2 working days, other key targets relating to issuing licences and closing down temporary event notice applications are currently not be achieved.

4.5 Therefore, we have been working to improve the time taken to issue licences to applicants by introducing internal deadlines of 14 and 28 days, depending on the type of licence regime and application. It is our aim to achieve all targets for the various key performance indicators within the next financial year and we will look to review the targets to increase the percentage to at least 95% within the next 2 years.

4.6 Furthermore, in order to ensure the continual provision of a high level of customer service, we have focused on ensuring effective consultation on all applications received.

Role of the Licensing Authority

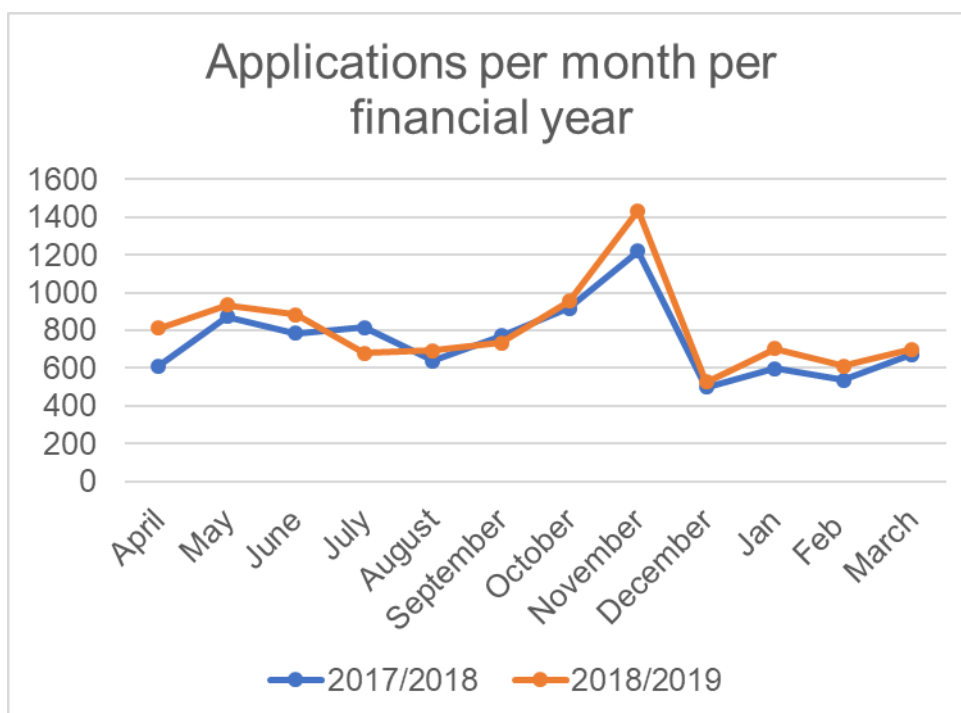
4.7 The Licensing Authority takes an important role throughout the consultation of applications; specifically, those for new and variations of premises licences for premises located within the 3 cumulative impact areas and contrary to the Council's Statement of Licensing Policy. In 2018/2019, the Licensing Authority raised over 100 representations to these types of applications.

4.8 Given the percentage increase of applications received by the Licensing Service year on year, it is predicted that there will also be a correlated increase in the number of representations raised by the Licensing Authority.

4.9 The role of raising representations in accordance to the policy enhances the awareness and expertise of Senior Licensing Officers in regard to the locality, operation and management of licensed premises within Westminster. In turn, this provides Licensing Sub-Committee Members and Ward Councillors with policy expertise in the absence of a regular policy advisor at the Licensing Sub-Committee hearings. It also develops expertise of officers involved and allows for further communication with applicants, local residents and other interested parties.

5. Licensing application trends

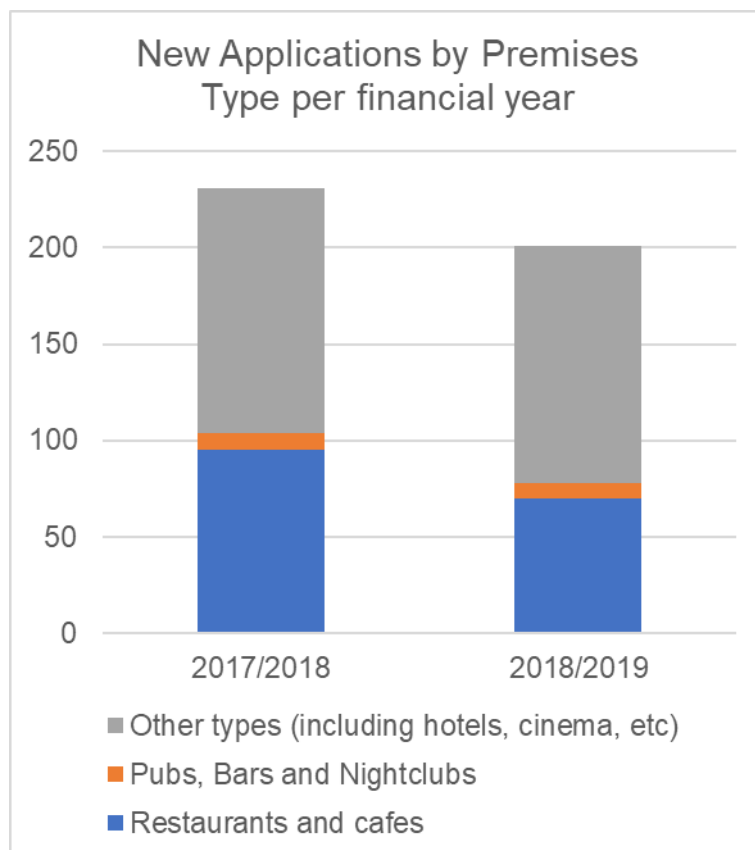
5.1 The Licensing Service receives applications on a consistent trend year on year. The graph below indicates the number of applications received each month for the years 2017/2018 and 2018/2019.



5.2 A high volume of applications are received in the months of October and November, which is reflective of temporary event notices applied to take place in the month of December and January for Christmas and New Year events. In November 2018, the Licensing Service received over 680 Temporary Event Notice applications.

New Premises Licence Applications

- 5.3 Although there has been an increase in applications received by the Licensing Service year on year, the percentage of new licence applications received by type of operation of that premises has remained consistent to that of previous years. The graph below shows the number of new licence applications received in 2017/2018 and 2018/2019 by premises type:



6. Trends and Projects

E-Consultation

- 6.1 A six month trial of an E-consultation service launched in January 2019 allowing customers to subscribe to and receive alerts on licensing applications across Westminster. E-consultation enables residents and businesses to sign up to a MyWestminster account in order to be notified electronically of applications, rather than receiving notifications through the post. The aim of E-Consultation is to create a single digital front door for customers to access all information surrounding licensing applications. Customers are able to:

- Subscribe for licensing notifications
- Receive and view licensing notifications
- Respond with comments to licensing applications whether at home, work or on the move using mobile/tablet devices
- Customise notifications they would like to receive

- Enable wider community engagement with other community groups and third parties
- Have the increased convenience of access to information in one place via a MyWestminster account
- Enable Westminster City Council to meet its corporate social responsibility needs by reducing carbon emissions by the amount of residential letters posted each year.

6.2 Since the launch of E-Consultation, the Licensing Service has had over 75 subscriptions for licensing notifications.

Sex Establishments

6.3 There has been a decline in the number of sex establishments operating within Westminster over recent years. There is no clear reasoning or explanation behind the decrease seen by the Licensing Authority, although it is possible this is attributable to changes in the demand and accessibility of adult entertainment.

6.4 The number of sex establishments situated within Westminster falls below the total entitlement permitted by the Council's Sexual Entertainment Venue Policy, as detailed below:

| Sex Shops | |
|---|----|
| Total Entitlement Permitted by the Policy | 18 |
| Current Licensed Sex Shops | 7 |

| Sexual Entertainment Venues | |
|--|----|
| Total Entitlement Permitted by the Policy | 25 |
| Current Licensed Sexual Entertainment Venues | 16 |

Licensing Act 2003

6.5 The Licensing Service received more applications in 2018/2019 seeking a mixture of alcohol sales and a variety of other activities. Some examples of these applications include 'vibe dining' premises, hair salons, gyms, patisseries and crazy golf venues.

6.6 We will be contributing to the review of the Council's Statement of Licensing Policy to ensure that it is cognisant of premises that do not fall within the remit of one specific policy, and addresses these trends in the economy.

7. Westminster Responsible Authorities Group

- 7.1 The Westminster Responsible Authorities Group (WRAG) is a fortnightly meeting attended by representatives of the responsible authorities (e.g. Environmental Health, Metropolitan Police, Licensing Authority, City Inspectors from all areas, and the Home Office) and chaired by the Licensing Service. Its purpose is to identify applications or premises of concern and develop a joint approach between the authorities.
- 7.2 The discussion features on any high profile or high risk premises which may have applications scheduled for Licensing Sub-Committee, are proposing changes which may attract interest from relevant parties, or have come to the attention of the Licensing Service by way of concern.
- 7.3 The WRAG is used as a platform to create a single point of contact between the area based City Inspector teams and the Licensing Service. This allows for effective and efficient communication of information on high profile and problematic premises within Westminster.

8. Regulatory Support

Pre-Application Advice Service

- 8.1 Regulatory Support Team 2 provides a comprehensive paid advice service to businesses to facilitate applications. The service is bought in packages depending on the amount and range of advice needed. This covers meetings, site visits and writing reports detailing advice to help with compliance to all different types of licensed businesses. The team then deals with the licence application and carries out a visit just prior to opening to make sure there is minimal impact on the community. There is a presence from the team post grant of the application, so the service continues to appeal to clients in terms of providing advice from an all-round officer, not simply a desk based EHO. As well as providing the advisory role the team also has the skills of being enforcement officers. This ensures the service is attractive, the uptake of pre-application advice continues and ultimately brings in an income stream and achieves high compliance across Westminster.

Massage and Special Treatment

- 8.2 The team also act as unofficial consultees under the London Local Authorities Act 1991. Officers look at workplace arrangements such as heating ventilation and appropriate workstations and safety procedures. In high risk premises such as tattooist, piercing and laser treatment we look at the safety and hygiene processes. The applicant is given appropriate guidance on the most recent legislation and best practice. Any issues with the emergency arrangements in the premises are notified to the London Fire Brigade.

9. High Profile cases

- 9.1 A snapshot of some of the high profile premises dealt with by the Licensing Service in 2018/2019 and cases discussed at the WRAG are detailed below:

The Windmill

- 9.2 In September 2017, an application was received to renew the sexual entertainment venue (SEV) licence for The Windmill, 17-19 Great Windmill Street. On 11 January 2018, Licensing Sub-Committee determined that they did not consider that the applicant was suitable to hold the SEV licence and the decision was therefore that the renewal of the licence was refused. Following the refusal by Licensing Sub-Committee, the applicant appealed the decision to the Magistrates' Court.
- 9.3 The appeal hearing took place on 8th-10th October 2018 at Westminster Magistrates' Court. The Judge considered the considerable improvements made by the licence holder at The Windmill, but noted the previous poor management and operation of premises in other local authorities at the hands of the premises licence holder. The Judge stated that they did not have any confidence that the changes instituted by the licence holder would not lapse.
- 9.4 The test the court had to apply was whether the original decision of the Licensing Sub-Committee was wrong. The Judge determined that it was not. Even with all the improvements made, the Judge determined that the Appellant was not suitable to hold a SEV licence. For these reasons, the appeal failed.
- 9.5 A consequent appeal was lodged by the appellant to the Crown Court which was then withdrawn on 12 April 2019. The premises cannot trade as a SEV and the premises is now currently closed. Should the premises wish to re-open as a SEV in the future, a new application will need to be submitted to the Licensing Service and consulted upon appropriately. The council has recovered all its costs in this case, to the sum of £97,154.

Hyde Park

- 9.6 Licensing Sub-Committee considered an application by The Royal Parks Ltd for Hyde Park that sought to permit 7 concerts at a capacity of 64,999, 2 concerts at a capacity of 49,999 and 5 occasions per calendar year where the event capacity was extended to 19,999.
- 9.7 This application received interest from the media, local ward councillors and local residents. Following a process of effective mediation during the consultation period between all parties, Licensing Sub-Committee decided to grant the application.

London Zoo

- 9.8 London Zoo is the world's oldest scientific zoo. With over 1.2 million visitors a year, ZSL London Zoo is one of the Licensing Service's most high profile venues. Licensed under the Zoo Act 1981, London Zoo also has the benefit of a premises licence, an explosive licence for its marine flares and flash bangs and is an approved premises for marriage and civil partnerships. The Licensing Service receives numerous Freedom of Information requests in relation to the zoo and has a stringent inspection regime under the Zoo Act 1981 which requires annual inspections.
- 9.9 Every Friday between 7 June and 26 July 2019 ZSL London Zoo held a series Zoo Nights events in which members of the public could experience the zoo and view some of the animals in their evening environments. Following the creation of a petition opposing the Zoo Nights events, the Licensing Service received over 100 complaints. All events with a substantial capacity are subject to approval by the Safety Advisory Group and are required to have comprehensive Event Management Plans. ZSL London Zoo is also required to have an animal welfare plan. Officers from the Licensing Service visited the Zoo to discuss the complaints received and review the arrangements and any possible amendments to the running of the events. Following the meeting, the Licensing Service drafted and sent a letter to the complainants highlighting the steps taken by the zoo to manage the welfare of the animals.
- 9.10 This letter detailed that, at each event, ZSL London Zoo has an animal welfare officer present, alongside their zookeepers, to care for the animals. They monitor and manage sound levels, locate food stalls away from animal enclosures, and close animal houses during the evening at times appropriate for the animals.

10. Street Trading

- 10.1 The Licensing Service has been working with the Economic Development Team to improve the individual markets within Westminster. Fortnightly meetings have taken place with the Economic Development Team, Church Street Regeneration Team and the area enforcement teams to look at the needs of the markets which include neighbourhood concerns, trader welfare and the impact of public realm works.

Church Street Market

- 10.2 Following a large number of complaints regarding aspects of non-compliance from traders at Church Street market on Saturdays, a co-ordinated approach to tackle the various problems was undertaken.
- 10.3 As there were 50 vacant pitches which were filled by daily casual traders, the Licensing Service agreed to advertise temporary 6-month licences. Over 100 applications were received for these licences from traders holding a casual

licence as well as traders who already trade at the market on Monday to Friday. The Licensing Team engaged with the North Area Enforcement Team, Environmental Health Officers and the Regeneration Team to assess the applications, specifically looking at days and commodities on any current licence, enforcement history and criteria from the street trading policy.

- 10.4 Senior Licensing Officers attended the Church Street Regeneration office to support traders with the application process as well as advise on pitch locations, commodities and outstanding fees and charges.
- 10.5 40 temporary street trading licences were granted to start on Saturday 27th July with 10 vacant pitches held for casual trading for new business start-ups. Licensing officers attended on the day to assist the traders and city inspectors with the new stall set ups.

Strutton Ground Market

- 10.6 Major Public Realm works have taken place between Jan and August 2019 that caused disruption to the traders. The Licensing Service worked with the Economic Development Team to support the traders to be able to continue to trade whilst the works were undertaken. Temporary relocations were agreed with the traders to use Old Pye Street, traders with double pitches agreed to reduce their use to one pitch and rotas were created to ensure fairness to all traders.
- 10.7 Thirteen permanent licence applications were received for Strutton Ground market. These will be referred to Licensing Sub-committee for decision in September 2019.

Licensing of Events

- 10.8 The Licensing team supported the economic development team with the licensing of the Berwick Street pop up craft market on Saturday 18 May. It was part of the 2019 Love Your Local Market campaign, which highlights the importance that vibrant street markets have to their communities. The pop-up aims to give budding entrepreneurs an opportunity to run a market stall and see how it could work for their businesses. Licensing Officers provided guidance and application advice to each new trader and encouraged the licensed week day traders to take part in the event.
- 10.9 The Young Traders Market London and South East Regional Final took place at Westminster Cathedral Piazza. The economy and development team worked closely with the National Market Traders Federation (NMTF) to organise and promote the event whilst the Licensing Service supported the event to ensure that the correct licences were applied for and issued for the 40 persons taking part.

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

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