



Licensing Urgency Committee Report

Date	07 July 2021
Classification	For General Release
Title or report	The work of the Licensing Service 2020/21 during the pandemic.
Report of	Calvin Mclean, Director of Public Protection & Licensing
Decision maker	Licensing Committee
Wards involved	All Wards
Financial summary	There are no direct financial implications as a result of this report.
Report author	Andrew Ralph Head of Licensing & Regulatory Services

1. Summary

- 1.1. The Licensing Service administers 25 licensing regimes. The majority of applications received by the Licensing Service are governed by the Licensing Act 2003, including, temporary event notices (TENs), new premises licence applications and applications to transfer the premises licence holder. There are many pieces of legislation which allow the council to regulate and issue licences.
- 1.2. On 23 March, all members of the Licensing Service were advised to begin working from home due to the onset of the pandemic.
- 1.3. In April, the team worked closely with Committee Services to set up and implement Virtual Licensing Committees, including developing the procedure for how the committees work, helping to train officers, Members and external participants to the committees.
- 1.4. At the same time officers were working with Members to support street traders by waiving Licence Fees for April and May (the first lockdown) and delaying the agreed fee increase from April to July. This was ratified by the Licensing Committee in June. A further waiver was implemented following the second and thirds lockdowns in November and January to April.



Westminster City Council

westminster.gov.uk

- 1.5 In May the service began working closely with Highways on the reopening of the hospitality sector. This involved setting up a Licensing Advice Line for businesses.
- 1.6 Due to the time gap between the reopening to hospitality sector, 4 July, and the implementation of the new Pavement Licence scheme the service set up a new Fast Track Licence scheme for T&Cs to support businesses. The Service received 405 applications and issued 315.
- 1.7 In July, the new Pavement Licence scheme was implemented. This was an entirely new online application process for Tables and Chairs. To date the service has processed over 1700 pavement licence applications and there are currently over 750 valid licences across the city.
- 1.8 Despite all this additional work due to the pandemic, the service continued to deliver on business as usual.

2. Recommendations

- 2.1 That the Committee notes the work undertaken by the Licensing Service during the pandemic.

3. Virtual Licensing Committees

- 3.1 On 23 April 2020 the Licensing Service held its first virtual licensing committee. Since that date over 60 hearings have taken place with 112 cases being heard within that time.
- 3.2 Working closely with the Committee Services team the Licensing Service tested the online system and provided training to officers which enabled the virtual process.
- 3.3 Although it has not been easy, the Licensing Service has maintained a high level of professionalism throughout providing test sessions for applicants and interested parties the day before each hearing and have supported everyone involved to ensure that the hearings run as smoothly as possible and with little delays as possible. With the addition of test sessions and the hearings themselves the team has scheduled and attended well over 120 virtual meetings.
- 3.4 Alongside the virtual hearings the Licensing Service has also focussed on providing mediation between parties. The basis of the mediation has been to provide applicants with representations as soon as they are received and then



Westminster City Council

westminster.gov.uk

acting as an intermediary between the applicants and the objector to find a suitable resolution for the parties to agree which has resulted in applications being determined under delegated authority. This has received very positive feedback from all parties and has allowed the service to control the number of applications needing to be determined by Members. In total, 4118 applications have been granted under delegated authority by the Licensing Service.

4. Fee Reviews due to Government Restrictions

- 4.1 Since the beginning of the Coronavirus pandemic the Government has imposed national restrictions under coronavirus legislation, many of these resulted in licensed businesses and individuals being unable to trade at specific times.
- 4.2 Many of these businesses and traders approached the council asking for fees and charges to be waived or reduced to support their businesses.
- 4.3 In June, a report was submitted to a Licensing Urgency Committee for approval to waive fees and reduce Part B fees associated with other licence applications. This was approved and the decision resulted in a reduction of £887K in licensing income.
- 4.4 On 31 October 2020 the Government imposed further restrictions from 5 November to 2 December requiring all non-essential business and hospitality to close. From midnight, on 20 December 2020 all non-essential retail was required to close again, as London moved into Tier 4 of the Government's measures to combat the coronavirus pandemic. A new national lockdown was implemented on January 4 reiterating the need for non-essential retail and hospitality to remain closed, which remained in place until 12 April.
- 4.5 Another report was put before the Licensing Committee in March 2021, again recommending waiving fees due to the national restrictions. The implementation of those recommendations resulted in the further reduction of £1.05million income for the Licensing Authority.
- 4.6 In total, £1.9M of licensing fees were waived in 2020/2021 as a direct result of the national restrictions imposed by central government.

5. Implementation of Street Trading Fee Increase

- 5.1 In July 2020, the daily street trading fees for markets increased to £22. This increase was the second phase of the revised fees and charges that were approved by Licensing Committee on 28th November 2018.



Westminster City Council

westminster.gov.uk

- 5.2 The phased increase was scheduled to take place in March 2020; however due to the pandemic the decision was taken to defer this increase until market traders were able to resume trading.

6. Fast Track Licences

- 6.1 In June 2020, the Licensing Service implemented an interim licensing regime to support hospitality premises to operate outside of their businesses in order to support social distancing. The Fast Track licences mirrored the existing table and chairs licences but were charged and processed in line with the anticipated pavement licences; specifically, there was no requirement to have planning permission in place and the application fee was charged at £100.
- 6.2 Between June and August 2020, the Licensing Service processed a total of 405 applications and issued a total of 315 licences under this scheme.
- 6.3 All of the fast track licences were licensed until September 2020 and then following the extension of hospitality measures throughout the city, the decision was taken to extend all fast track licences until 31 October 2020. Any businesses requiring a licence after October 2020 were required to apply for a pavement licence.

7. Pavement Licences

- 7.1 In July 2020, the Business and Planning Act 2020 (“the Act”) was introduced by the Government. The Act introduced a ‘pavement licence’ scheme so that operators of businesses selling food and drink may apply to their local authority for authorisation to put removable furniture such as tables and chairs on the highway in front of or adjacent to their premises so that their customers can eat and drink outside their premises.
- 7.2 This is temporary legislation until 30 September 2020 and the aim of the legislation is to provide a quicker and cheaper process for businesses to gain permission to use pavement areas outside their premises to enable them to seat customers safely outside and continue to trade during the period of the coronavirus pandemic whilst enabling customers to adopt social distancing measures by using outside spaces.
- 7.3 The Act came into force on 22 July 2020, and applicants began to apply for Pavement Licences immediately and therefore in order to start processing applications, set the fees payable and the standard conditions, the Chief Officer made an urgent decision in consultation the Chair of the Licensing Committee and two other Members of the Licensing Committee to approve the delegations to officers to process applications, and approve the fees and the standard



Westminster City Council

westminster.gov.uk

conditions under the Urgency procedure of the Constitution. The Decision was made on 23 July 2020.

- 7.4 To date the Licensing Service has received more than 1800 pavement licence applications.
- 7.5 314 pavement Licences were issued as part of the Winter Hospitality scheme. Unfortunately, these licences were not used as anticipated due to London moving into Tier 4 in December and then into a third national lockdown in January. However, they were able to be used when premises reopened on 12 April for outdoor drinking and dining as part of Step 2 of the Government’s Road map to reopening. All of these licences expired on 30 April.
- 7.6 As part of the Al Fresco scheme the service has now issued a further 754 pavement licence which are valid until 30 September. These licences allow an additional seated capacity for pubs and restaurants of over 16,000 and were a lifeline for many businesses during Steps 2 and 3 of the Government’s roadmap to reopening.

London Boroughs – Issued Pavement Licences
Business and Planning Act 2020

Data collected on the 16th and 17th June 2021



H&F - Hammersmith & Fulham
RBKC – Royal Borough of Kensington and Chelsea

Results
Total Pavement Licences Issued within London Boroughs – **3238***
Westminster has 21.6%* of pavement licences within London.

* 28 out of 33 London Boroughs responded with their Pavement licence figures.



Westminster City Council

westminster.gov.uk

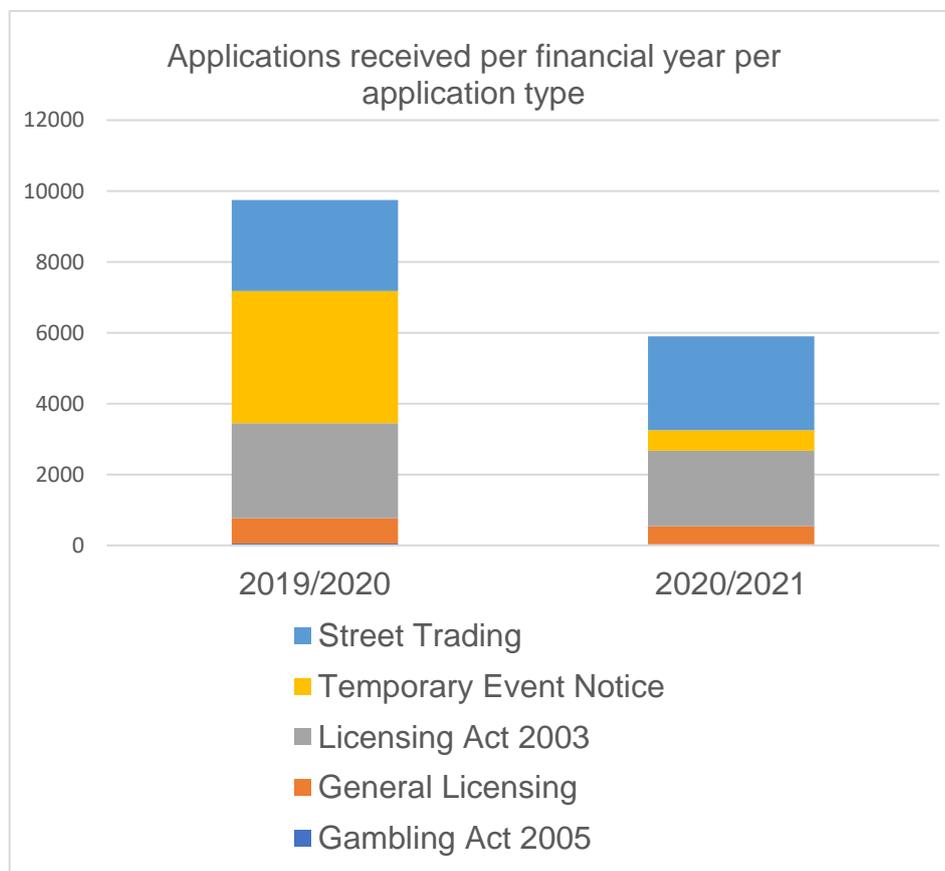
8. Licensing Advice Line

8.1 The Licensing Advice Line was set up to provide information about the hospitality scheme to applicants and residents. With the constant updates to the scheme and changes to road closures and having to adapt to amendments in the regulations it was imperative that customers could contact the service and get answers. Initially, four Senior Licensing Officers manned the phones but after the first week and over 100 phone calls it was clear that more resources were needed to be provided to deal with the deluge of calls.

8.2 Since the Licensing Advice Line was set up the Service has received 2746 calls. The team has had to adapt to each change in regulations and has provided professional advice to all the customers who have called.

9. Business as Usual & Performance Stats.

9.1 The graph below shows the number of applications received per financial year per application type for the years 2019 to 2020 to 2021.





9.2 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	Applications Split				
		Gambling Act 2005	General Licensing	Licensing Act 2003	Temporary Event Notice	Street Trading
2019/2020	9749	51	711	2685	3733	2569
2020/2021	5898	33	504	2141	573	2647

Team Performance

9.3 The Licensing Service has an internal key performance indicator of processing applications within 2 working days of receipt. This did not change during the pandemic. During the year 2020 to 2021 more than 97% of applications were processed within this deadline.

9.4 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.

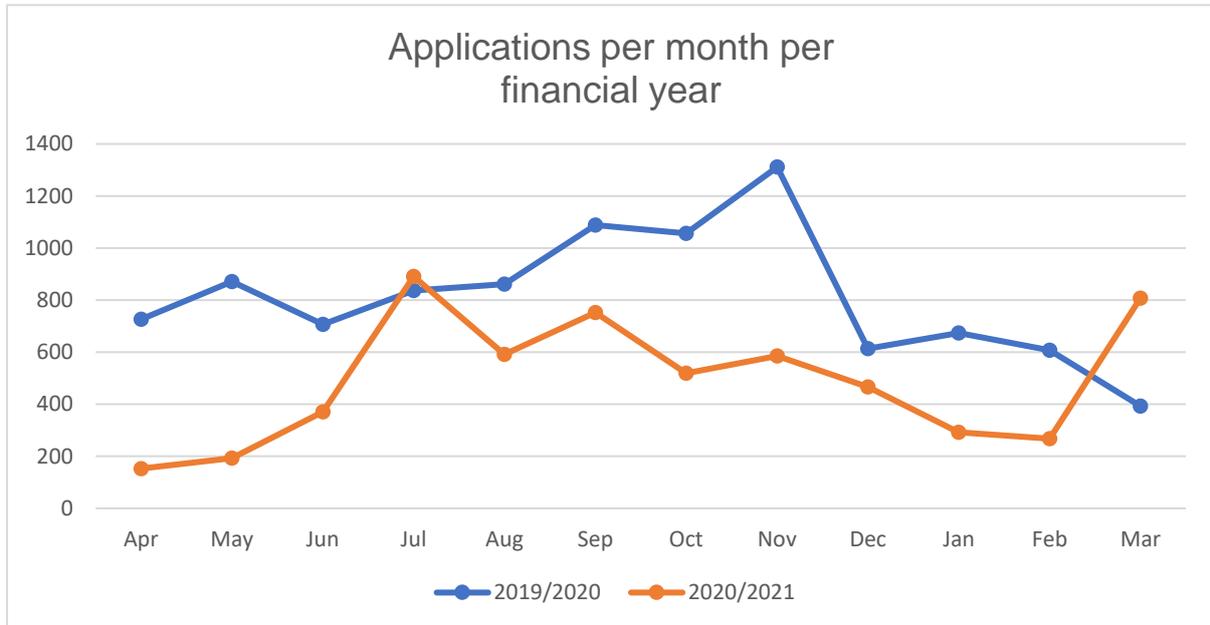
Financial Year	Total Number of Applications Received	Number of Applications Received Within 2 Days of Receipt	Percentage of Applications Processed Within 2 days of Receipt
2019/2020	9749	9359	96%
2020/2021	5898	5609	97%

Licensing application trends

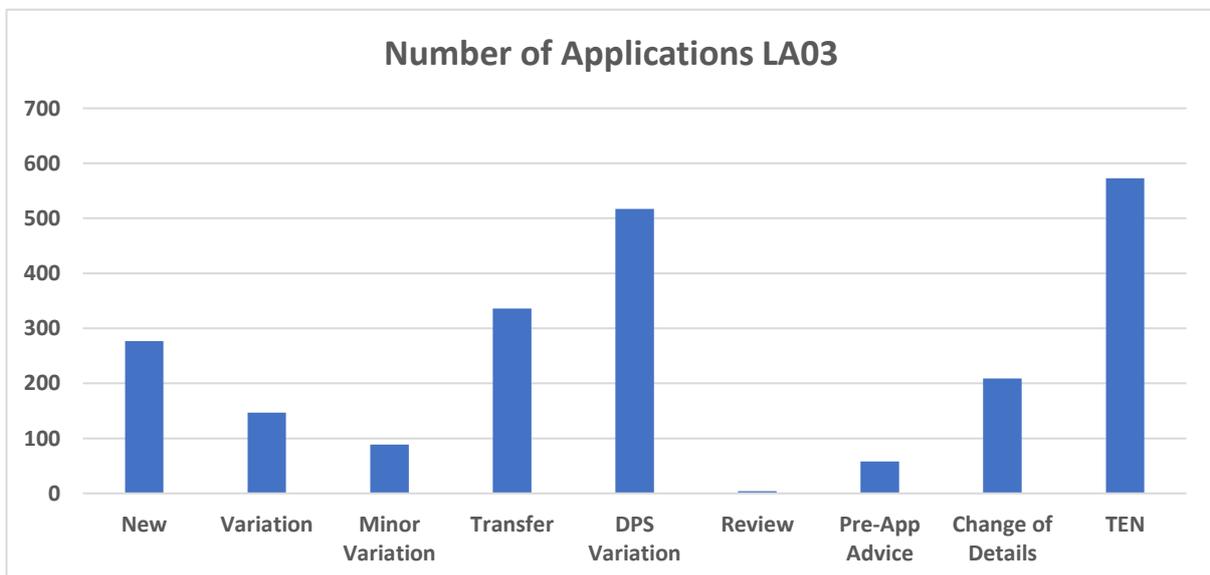
9.5 The Licensing Service receives applications on a consistent trend year on year. The graph below indicates the number of applications received each month for the years 2019/2020 and 2020/2021.



Westminster City Council
westminster.gov.uk



Licensing Act 2003	
Total number of applications	2210
New	227
Variation	147
Minor Variation	89
Transfer	336
DPS Variation	517
Pre-App Advice	58
Change of Details	209
TEN	573





Westminster City Council

westminster.gov.uk

Gambling Applications	
Total number of applications	33
New	6
Adult Gaming Centre	4
Bingo	1
Betting Shop	1
Other	21

Massage and Special Treatment Applications	
Total number of applications	324
New	102
Renewal	209
Other	13

Sexual Entertainment Venues Applications	
Total number of applications	19
New	1
Renewal	13
Other	5

Sex Shop Applications	
Total number of applications	9
Renewal	9

Marriage Applications	
Total number of applications	64
New	27
Renewal	35
Other	2

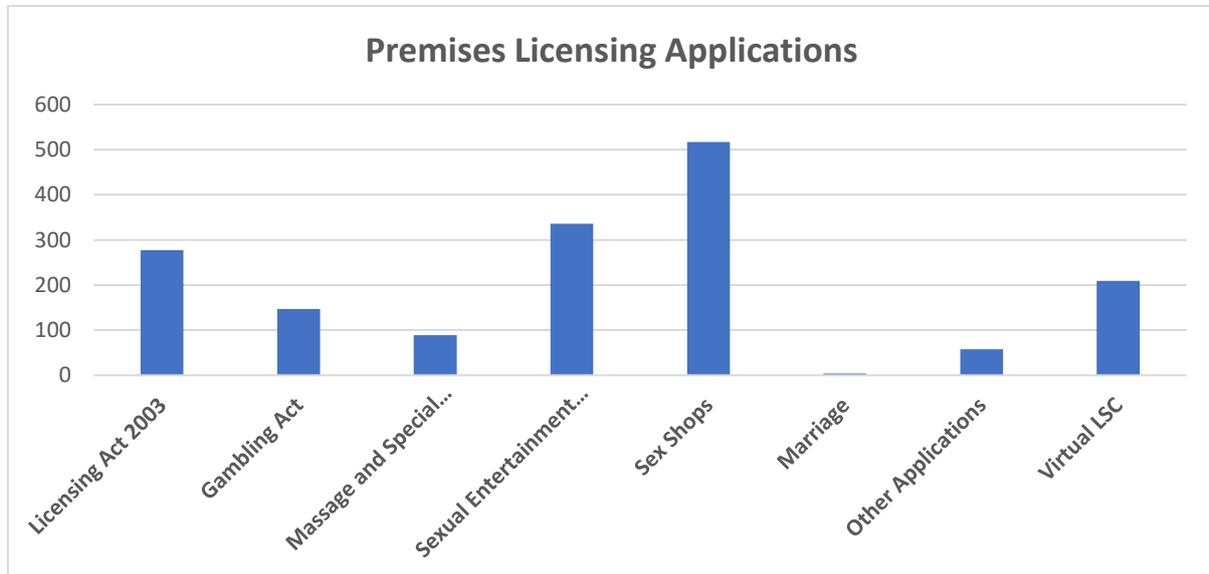
Other Applications	
Total number of applications	10
Film Classifications	10

Virtual Licensing Sub Committees	
Total number of applications	10
Film Classifications	10



Westminster City Council

westminster.gov.uk



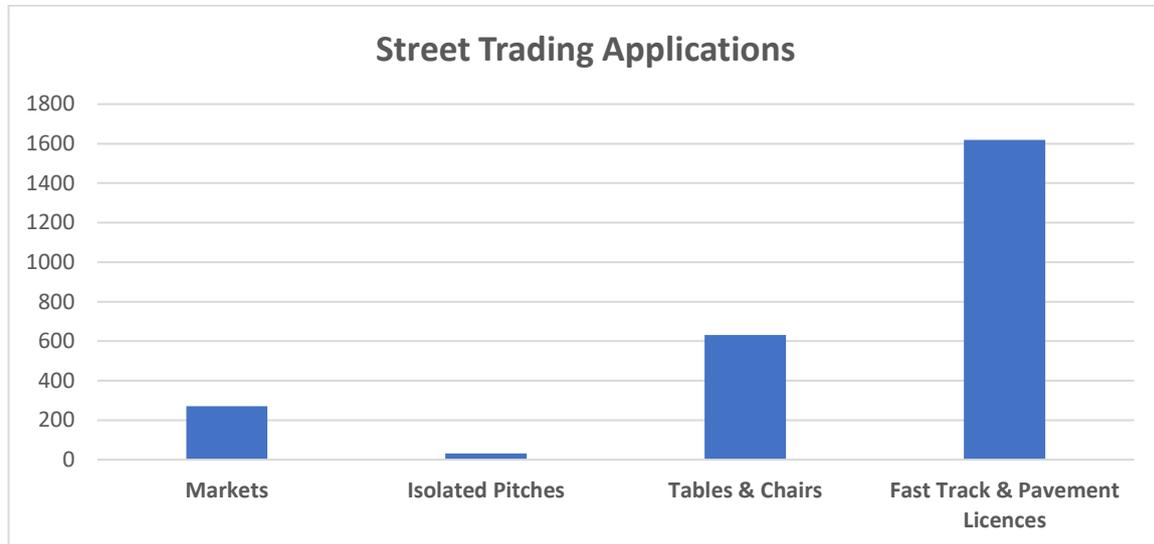
Street Trading	
Markets	
Total number of applications	270
Permanent applications	0
New Temporary applications	94
Further Temporary applications	157
Variation applications	2
Other	17

Fee Review Waivers:	
Total number of waivers:	332
Total number of traders:	109

Isolated Pitches	
Total number of applications	32
New applications:	13
Variation applications:	19

Table and Chairs	
Total number of applications	32
New applications	126
Renewal applications	485
Variation applications	20

Fast Track & Pavement Licences	
Total number of applications	1619
Fast track applications	405
Pavement licences	1214



10. Financial Implications

10.1 There are no financial implications arising from this report.

11. Legal Implications

11.1 There are no legal implications arising from this report.

12. Equality Implications

12.1 S.149 of the Equality Act 2010 places a duty on local authorities to have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity between people who share a protected characteristic and to encourage good relations between those who share a protected characteristic and those who do not.

12.2 When determining applications, the licensing authority gives due regard to applicants and the public in line with all the criteria it will consider in determining whether an application should or should not be granted. The statutory conditions also take account of the needs of persons with mobility and visual impairments.

Additional Papers

None