



City of Westminster

# Cabinet Member Report

<b>Meeting or Decision Maker:</b>	Cabinet Member for Business, Licensing and Planning
<b>Date:</b>	8 <sup>th</sup> September 2021
<b>Classification:</b>	General Release
<b>Title:</b>	Review of the Council's Revised Statement of Licensing Policy under the Licensing Act 2003.
<b>Wards Affected:</b>	All Wards
<b>City for All:</b>	Vibrant Communities and Thriving Economy
<b>Key Decision:</b>	Key
<b>Financial Summary:</b>	There are no financial implications arising on the Council from the proposals in this report.
<b>Report of:</b>	Executive Director for Innovation and Change and Executive Director for Environment and City Management

## 1. Executive Summary

- 1.1 The Licensing Authority began its statutory consultation on its proposed revisions to the Statement of Licensing Policy on the 14<sup>th</sup> June 2021. The consultation ran for a period of 6 weeks ending on the 25<sup>th</sup> July. The Licensing Authority has received 22 responses to date from a range of different stakeholders.
- 1.2 The consultation was on the Licensing Authority's proposals to introduce policies relating to ancillary deliveries (policy DEL1), shops (policy SHP1) delivery and distribution centres (DC1) as well as minor amendments necessary for the introduction of these policies.
- 1.3 The majority of the Licensing Authority's proposals are supported by the consultation respondents. Following an assessment of these responses officers have set out the Licensing Authority's approach to each of the points

raised by the respondents. The responses received during the consultation period along with the Licensing Authority's position is set out in Appendix 1 to this report.

- 1.4 The Cabinet Member for Business, Licensing and Planning is asked to review the final revisions to the Statement of Licensing Policy and refer them to Full Council for consideration and if acceptable, for approval and adoption.

## **2. Recommendations**

- 2.1 The Cabinet Member for Business, Licensing and Planning is asked to consider the revisions to the Statement of Licensing Policy as attached at Appendix 2 and recommend to Full Council that the Policy is approved and adopted in accordance with section 5 of the Licensing Act 2003 (the Act).

## **3. Reasons for Decision**

- 3.1 The Council has published its five-year Statement of Licensing Policy (SLP) with respect to the exercise of its licensing functions. The current SLP has been effective from the 7<sup>th</sup> January 2021 and the end of the current policy period will be on the 6<sup>th</sup> January 2026 and is used to determine licensing applications under the framework of the Act. However, the Council as the Licensing Authority is required to keep that policy under review and make such revisions to it as it considers appropriate.
- 3.2 The increase in the number of premises in Westminster offering delivery services is a development that the Licensing Authority considers justifies a revision to the SLP. This increase has been particularly noticeable since the onset of COVID-19, especially as restrictions ease. Westminster's Licensing Policy does not currently have specific policies for deliveries. These proposals address this specific issue in order to support licensed businesses within Westminster to grow and diversify in a safe, responsible and positive way whilst also addressing residents' concerns and ultimately promote the four licensing objectives.
- 3.3 Before revising its SLP the Licensing Authority must consult on those proposed revisions. The duty to consult is mandatory and the proposals are to be advertised externally. The responses received are to be properly considered by the Licensing Authority with an explanation given to each of the responses that is fair and balanced. The Licensing Authority has concluded its consultation on its proposed revisions to the SLP and is now required to present it to Full Council for review and consideration so that the revised SLP can be adopted. The Licensing Act 2003 requires that the SLP is reviewed and approved by Full Council and therefore if the Cabinet Member considers the revisions to the SLP acceptable the Cabinet Member is asked to recommend the revised SLP to Full Council for approval.

## **4. Background**

- 3.1 The full list of revisions to the SLP consultation document is attached at Appendix 2 to this report. In summary the proposed revisions are:
- (a) New Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy (DEL1)
  - (b) New Shops Policy (SHP1)
  - (c) New Delivery Centre Policy (DC1)
  - (d) Amendments to the Core Hours Policy (HRS1) to reflect the new premises uses
  - (e) Deletion of the Off Sales of Alcohol Policy (replaced by the new Shops Policy)
  - (f) Amendment of the other premises uses policies to refer to ancillary delivery

#### **4. Consultation**

- 4.1 Before the Licensing Authority can formally adopt and publish a revised SLP it is required under section 5 of the Act to consult the following parties:

- (a) Metropolitan Police Service,
- (b) Fire Authority,
- (c) Public Health,
- (d) any persons who represent personal licence holders,
- (e) any persons who represent premises licence or club premises certificate holders,
- (f) any persons who represent businesses, and,
- (g) any persons who represent residents.

- 4.2 On the 14<sup>th</sup> June 2021 the Licensing Authority began its consultation on proposed revisions to its SLP in accordance with the provisions contained within the Act. In addition to contacting the statutory consultees referred to in 4.1(a) to (g) above this consultation was advertised externally to allow feedback from the general public, resident associations, amenity societies and businesses. The consultation ran for a period of six weeks and ended on the 25<sup>th</sup> July 2020.

- 4.3 The Licensing Authority provided an online survey throughout the consultation period for statutory consultees, residents and other interested parties. This survey set out the questions relating to the proposed revisions to the SLP along with some questions to identify in what capacity they were completing the survey, e.g. resident or business. In addition to the survey the Licensing Authority also received responses via email. These email responses have all been noted and are combined with the submissions made via the online survey.

#### **5. Summary of Consultation Responses**

- 5.1 The Licensing Authority has received 22 responses to this consultation. The consultation on the proposed revisions of the Statement of Licensing Policy set a number of questions relating to these proposals (see Appendix 3 for the

full list of consultation responses). Some of the questions included whether the respondent agreed or disagreed (which required a 'yes' or 'no' response) with the proposals. We also asked questions on their views on the proposals or whether they had any further comments to make relating to the proposals. For these questions the respondent could provide their views and comments in writing. Officers have reviewed the responses that have been received and where the respondent has not specifically stated the revision that they are commenting on officers have assigned their comments, based on the content to the relevant consultation proposals. A summary of the submissions to the consultation is included at Appendix 1 with the Licensing Authority's response. The complete list of questions and submissions is included at Appendix 3 and the consultation document is included at Appendix 4.

## **6. Legal Implications**

6.1 There are no legal comments to make as these are covered by the report.

## **7. Financial Implications**

7.1 As a result of the proposed policy changes, there will be no impact on either the number of businesses which are required to obtain a licence and no impact on the price of the licence being charged. There is therefore no impact on the income generated by the Council from these changes. Also there will be no additional costs arising from implementing the changes or from the ongoing management of the licensing activity..

## **8 Equalities Impact Assessment**

8.1 The council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in Section 149 of the Equality Act 2010 in relation to persons who have protected characteristics.

8.2 Equality and diversity is not a parallel process or something to think about once a year. It is a fundamental part of improving services for everyone. It is nothing to do with ticking boxes or bureaucracy, and everything to do with making Westminster a place where anyone can be happy to live or work. It is central to delivering high quality customer services in the heart of London. We identify and actively address inequality, where evidence shows that it exists.

8.3 This diversity and the changing nature of Westminster's population makes Westminster a culturally and socially rich city, which benefits from the different experiences, perspectives and respect for others that this diversity brings.

8.4 Officers have carried out an Equality Impact Assessment and as a result of that assessment there are no anticipated impacts as a result of the proposed revisions of the Statement of Licensing Policy and Council's ability to meet its duties under the Equality Act.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

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## **APPENDICES**

- Appendix 1 - Consultation Submissions and Licensing Authority response.  
Appendix 2 - Proposed Revisions to the Council's Statement of Licensing Policy following Formal Consultation  
Appendix 3 - Full list of consultation questions and submissions  
Appendix 4 - Consultation Document with track changes

## **BACKGROUND PAPERS:**

- Westminster City Councils Statement of Licensing Policy – Effective 7<sup>th</sup> January 2021
- Licensing Act 2003
- Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 – April 2018

For completion by the **Cabinet Member for Business, Licensing and Planning**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
NAME: **Councillor Matthew Green**

State nature of interest if any

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*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I have considered the revised Statement of Licensing Policy under the Licensing Act 2003 and recommend to Full Council that the Policy is approved and adopted in accordance with section 5 of the Licensing Act 2003.

Signed .....

Cabinet Member for Business, Licensing and Planning

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:  
.....  
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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the

criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.