



City of Westminster

Council Follow on Agenda

Title: Council Meeting

Meeting Date: Wednesday 8th July, 2015

Time: 7.00 pm

Venue: Porchester Hall, Porchester Road, Bayswater, London, W2 5DU

Members: All Councillors are hereby summoned to attend the Meeting for the transaction of the business set out.

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm.

Please telephone if you are attending the meeting in a wheelchair or have difficulty walking up steps. There is wheelchair access by a side entrance.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Mick Steward, Head of Committee and Governance Services.

Email: msteward@westminster.gov.uk Tel: 020 7641 3134
Corporate Website: www.westminster.gov.uk

a) Follow on Papers General Purposes Urgency and General Purposes Committee Reports 1 July 2015	(Pages 1 - 4)
Priority Order of Business	(Pages 5 - 6)
This paper lists the items chosen by the Majority and Minority Party for debate at this meeting.	
Briefing Note: Licensing Policy Review	(Pages 7 - 10)
Briefing Note: Air Quality	(Pages 11 - 14)

**Westminster City Hall
64 Victoria Street
London SW1
3 July 2015**

**Tasnim Shawkat
Tri-borough Director of Law**

REPORT OF THE GENERAL PURPOSES URGENCY SUB-COMMITTEE HELD ON 1 JULY 2015

Present: Councillors Tim Mitchell (Chairman), David Boothroyd and Robert Davis

1. Appointment of Independent Person

- (a) As a result of an expansion to the role of the Independent Person it is necessary to appoint one additional Independent Person so that a minimum number of 2 Independent Persons are appointed. The Council already has one Independent Person, Geoffrey Rivlin and the Urgency Sub-Committee has given consideration to appointing another Independent Person.
- (b) Following interview the Urgency Sub-Committee has agreed to recommend Sir Stephen Lamport as one of the Independent Persons required to be consulted by the Monitoring Officer on certain Member Conduct matters and be part of the Independent Panel to make a recommendation to the Council in the event that disciplinary action is proposed against the Head of the Paid Service; the Monitoring Officer or the Chief Finance Officer.

Recommendation: That the Council appoint Sir Stephen Lamport, KCVO, DL, as one of the Independent Persons.

Tim Mitchell, Chairman

Background Documents

Report to the General Purposes Urgency Sub-Committee (1.7.15)

Note by the Head of Committee and Governance Services: A copy of the CV of Sir Stephen Lamport is available upon request from Mick Steward, Tel: 020 7641 3134. This document is exempt from public disclosure.

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REPORT OF THE GENERAL PURPOSES COMMITTEE HELD ON 1 JULY 2015

Present: Councillors Tim Mitchell (Chairman), David Boothroyd, Melvyn Caplan and Robert Davis

1. **Role of Proper Officer in Respect of Formal Meetings and other Related Constitutional Changes**

- (a) As part of the establishment of a Tri-borough Legal Service and the deletion of the post of Head of Legal and Democratic Services it is necessary to review the location of the functions set out in the Constitution previously allocated to the Head of Legal and Democratic Services. These are currently on a temporary basis, allocated to the Tri-borough Director of Law. It is proposed to allocate these to the Chief Executive and authorise him to update the Constitution accordingly.
- (b) Also arising from the review is a need to update Standing Order 57 which sets out those officers authorised to attest the affixing of the Common Seal. We are recommending the Standing Order be amended as set out in the report we considered which is attached as Appendix C.

We recommend:

- (i) That the Council approve the transfer of the existing proper officer functions allocated within the Constitution to the Head of Legal and Democratic Services to the Chief Executive;
- (ii) That Standing Order 57 be updated as set out in the report, attached as Appendix C.

2. **Update to Standing Order relating to Statutory Chief Officers**

- (a) The Local Authorities Standing Orders) (England) (Amendment) Regulations 2015 require an amendment to Standing Order 51 (7). This is as set out in the report considered by us and attached as Appendix D.

We recommend: That Standing Order 51 be updated as set out in the report attached as Appendix D.

3. **Membership of the Licensing Committee**

- (a) We considered a report at the request of the Minority Party Chief Whip to replace Councillor Patricia McAllister with Councillor Murad Gassanly on the Licensing Committee. We noted that the Council has agreed to establish a Licensing Committee of 15 members of the Council based on a proportional split of 11 Majority Group members and 4 Minority Group members. The Council has also appointed the members to serve on the Licensing Committee and from time to time agreed changes to the membership.

We recommend:

That Councillor Murad Gassanly be appointed to the membership of the Licensing Committee in place of Councillor Patricia McAllister with immediate effect.

Tim Mitchell, Chairman

Local Government (Access to Information) Act 1972 – Background Papers

- None.

CITY OF WESTMINSTER

COUNCIL MEETING – 8 JULY 2015

AGENDA ITEMS 10 & 12 FUTURE POLICY PLAN/NOTICE OF MOTION PREFERRED ORDER OF ITEMS FOR DEBATE (STANDING ORDER 11)

MAJORITY PARTY

No.	Future Policy Plan	No in List	Cabinet Member Portfolio
1.	Licensing	67	Public Protection
2.	Air Quality	6	Sustainability and Parking

Briefing notes are attached.

MINORITY PARTY

	Agenda Item	Subject
2.	Notice of Motion	Home Ownership

Tasnim Shawkat
Tri-borough Director of Law
2 July 2015

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Council Meeting: 8 July 2015

Briefing Note

Subject: Licensing Policy Review 2015

Background

Under the Licensing Act 2003, the City Council regulates the retail sale of alcohol, the supply of alcohol at club premises, the provision of regulated entertainment, and the sale of hot food and hot drink between 23.00 and 05.00.

At least every 5 years, the council must determine and keep under review its policy with respect to the exercise of its licensing functions, and publish a statement of that policy. The council has a duty to promote the four licensing objectives, which are;

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance, and
- Protection of children from harm

The current Statement of Licensing Policy has operated since 7th January 2011. The current policy sets out the approach the council will take when applications for new licences are received, when variations are sought to existing licences, (for instance to extend the hours of licensable activity, change the conditions on the licence, or add other licensable activities), and determine applications to review licences. The aim of the policy is to promote the licensing objectives.

The policy recognises that the scale, diversity and concentration of licensed premises, particularly in the West End, is unique and brings cultural and financial benefits to the whole city. The council believes that good management of its vibrant entertainment industry, and of the street environment within which it operates, is essential to the continued success of central London, and in attracting a wide range of people who want to work, visit or live there.

The policy seeks to widen the choice and appeal of licensed premises, the development of greater diversity in the types of entertainment and cultural activity on offer and in the age groups attracted to them, and to protect the quality of life of local residents and visitors.

There are four general policies which relate to each of the four licensing objectives, and a policy which sets out the "core hours" to which the council will generally grant a licence. Additionally, the Statement identifies three "stress areas" within the city which have been identified as suffering from the cumulative impact of a concentration of licensed premises, and where special policies apply; capping the number of bars, night clubs and take-away hot food premises and preventing them opening later or increasing their capacities. The council recognises the differing impacts that different types of licensed premises can have in relation to the licensing objectives and has policies for various types of premises, both inside and outside the designated "stress areas".

Public Consultation

The council has considered the operation of the current policy, drawing on issues raised at hearings of the Licensing Sub Committee, and which often reflect applicants' or objectors concerns over the policy, and issues raised in the courts at appeal.

The review indicates areas where it is proposed that policy should be revised and includes associated questions seeking views on the issues and proposed revisions. The policy will also be revised to reflect changes in legislation, statutory guidance and council policies and initiatives which have been introduced since the last review and relevant data will be updated. Statutory guidance states that the cumulative impact of licensed premises is a proper matter for licensing authorities to consider when developing statements of licensing policy. Adopting the terminology in Guidance the council proposes to re-label "stress areas" as Cumulative Impact Areas and the special policies which apply in those areas as Cumulative Impact Policies.

The set of consultation questions based on the issues and the revisions that the council is considering are reproduced below:

Q1 Do you agree that the stress area policy relating to premises which sell alcohol but are not bars, pubs or restaurants should be clarified?

Q2 What conditions should be attached to such licences so as to ensure that they do not add to cumulative impact in the stress area?

Q3 Do you agree that if the sale of alcohol is limited to 20.00 hours then the premises are unlikely to add to cumulative impact in the stress area?

Q4 Do you agree that proprietary clubs are very likely to contribute to cumulative impact in the stress area and will often not offer sufficient control over their members to promote the licensing objectives?

Q5 Do you agree that premises used for private functions, whether they be corporate or personal, are very likely to contribute to cumulative impact in the stress area and will often not offer sufficient control over their members to promote the licensing objectives?

Q6 Do you agree that the policy should not be reviewed in anticipation of the transport changes, but considered at a later date?

Q7 Do you agree that the council should impose conditions to restrict the hours during which customers may be permitted to consume alcohol and be permitted on licensed premises where it considers it appropriate to do so to promote the licensing objectives?

Q8 When an application to review a licence at a premises is being made, do you agree that the licensing authority should consider whether it is appropriate to review all the licences in effect at the premises in order to promote the licensing objectives, and to encourage other applicants to do so?

Q9 Do you agree that the licensing authority in order to promote the licensing objectives should have a policy that all licences take effect when granted?

Q10 Do you agree that the council should only authorise events under its Area Premises Licences when it is appropriate to do so to promote the licensing objectives and ensure that persons likely to be affected by such events have had an opportunity to have their say?

Q11 In what circumstances do you consider that an event should, or should not, be authorised under an Area Premises Licence

Q12 Do you agree that in updating policy NS1 the council should retain control over nudity, striptease and sex related entertainment in premises which are not regulated by a SEV licence?

Q13 Do you agree that including areas of the highway intended for use by tables and chairs in the premises licence can be misleading?

Q14 Are there any other comments you wish to make or issues you wish to raise in relation to the policy which are not covered above?

Consultation responses

Public consultation was open for 8 weeks until 15th May 2015. The council received 27 written responses to the consultation. The cabinet member for Licensing and Chairman of the Licensing committee is assessing the council's response to the consultation and will table a revised statement of Licensing Policy at the meeting of the Council in November.

Consultation responses were received from:

The Soho Society
Covent Garden Community
Covent Garden Area Trust
Paddington Waterways and Maida Vale Society
Mayfair Residents Group
Knightsbridge Association
Soho resident and ex restaurateur
Marylebone Association
Marylebone resident
Chiltern Street resident
Blandford Street resident
Berkeley Street residents
Park Street resident
West End (Chinatown) Tenants Association
HK Diner
St Johns Wood Society
CAB Licensing Project
Hippodrome Casino
Soho Estates
Jeffrey Green Russell Solicitors
Heart of London Business Alliance
Shaftesbury plc
WCC Environment Health
Dr Philip Hadfield
Edgware Road Partnership
Capco Covent Garden
Parley Beer Group

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Council Meeting: 8 July 2015

Briefing Note

Subject: Air Quality - Electric Vehicles, Parking and Emissions Based Charging

Background

The very high levels of air pollution that exist along Westminster's roads are largely a result of the millions of vehicles that travel through the City. Unlike other health issues, such as road safety, where both the risk and the harm can be seen, air pollution is invisible. It doesn't kill you outright, instead it can shorten the life expectancy of those who live and work in polluted areas. It reduces lung development in children who grow up and go to school in areas of poor air quality and contributes to a myriad of respiratory and cardiac conditions, stroke and cancer. The Mayor of London estimated there to be 4,267 premature deaths due to air pollution in London in 2008.

The 2014 residents' survey shows that air quality is perceived to be a problem by a quarter of residents, which is an increase since 2010. Media interest in London's air quality is increasing and there is growing concern amongst businesses and commercial centres, in particular the West End, that poor air quality is affecting trade.

WCC has been working to improving local air quality for over 15 years and there is growing pressure to use all policy levers available to improve local air quality. The Mayor of London has made significant progress in cleaning up London's bus fleet and the planned Ultra Low Emission Zone (ULEZ) and taxi scrappage scheme will significantly improve emission from taxis. The EU has started legal proceedings against the UK government, which could lead to annual fines of £300m for its failure to cut levels of nitrogen dioxide and the UK Government is now amending national Air Quality Plans in response.

Electric Vehicles (EVs) in Westminster

Vehicle pollution is dependent on the type of fuel used. Diesel is the most polluting common fuel and is the predominant fuel for Heavy Goods Vehicles (HGVs) and Large Goods Vehicle (LGVs). Petrol is cleaner and electric is zero emission (at the point of use). WCC has therefore sought to encourage the use of electric vehicles in the City.

The Council pioneered public electric vehicle re-charging and now has the largest number of re-charging points in in the UK: 56 re-charging bays on-street and over 200 in private car parks. All of the on-street recharging points are used daily, and several are continuously in use during the day, seven days a week. Each user is allowed a maximum of 4 hours for recharging. We are also developing a residents' charging pilot to facilitate on-street home/overnight charging. Owners of electric vehicles (including electric motorbikes) in Westminster currently benefit from a range of incentives including:

- free parking (for solely electric powered and plug-in hybrid vehicles; in paid-for and electric vehicle recharging bays only; for the maximum prescribed period on the parking bay). The only borough to do so, other than Hackney;
- access to 'Source London' the largest recharging service in the UK, approximately 1,400 on and off-street recharging points;
- no congestion charge;
- free parking permits for residents with low emission or electric vehicles.

Changes to EV market

WCC first offered free EV parking in 1998, over 17 years ago, and our first on-street recharging point was installed in 2006. The EV market in the UK has developed slower than anticipated and it is only in the last couple of years that vehicles have entered the market that can realistically compete with 'normal' petrol and diesel cars and EV uptake is becoming more common. Significantly more electric and hybrid vehicles are now seen on the roads and we have also been working with our car club, ZipCar, to electrify their fleet by providing charging infrastructure.

The Mayor has been pushing for electric taxis and buses and with the coming introduction of the Ultra Low Emission Zone (ULEZ) only zero emission capable buses will be able to travel in the central congestion charging zone in 2020 and new taxis will need to be electric hybrid by 2018. The ULEZ will also apply to HGVs, LGVs and private cars and owners of older, more polluting vehicles will have to pay to enter the zone. The Congestion Charging Zone (CCZ) will still apply and, like now, EVs will enter for free.

WCC is a member of the pan-London EV recharging network, currently called Source London. It is soon to be rebranded as BluePoint London as part of a significant change from its current operational model of a negligible (£10pa) membership fee in return for free parking and electricity. The new Blue Point London scheme will operate a pay-as-you-charge/park scheme at a rate of approximately £4/h in zone 1. This is a significant change and will ensure the provision of an EV network is cost neutral to the Council. It will also be a significant shift in how EVs operate in London and is likely to impact the market.

Issues for consideration

A couple of EV related policy levers need to be considered in light of market changes:

1. Free parking in paid-for bays:

There are now more EV's and Hybrids driving in the city. There is a lack of data and knowledge of EV numbers parking due to there currently been no need to register to park and this, in turn, is causing enforcement issues as it is now considerably more difficult to identify an EV from a petrol or diesel vehicle.

As Westminster is the only borough, other than Hackney, to offer free parking for EV's, there is concern that there is potential for encouraging EVs to drive into centre, due to free parking provision, causing congestion and parking pressure. Consideration need to be given to requiring EVs to register their parking and/or charging EVs to park.

2. Emission based parking rates

Emissions based charging rates for parking could help benefit air quality by incentivising lower emission vehicles (and/or disincetivising the more polluting vehicles). Charging bands could be in line with other known schemes to avoid confusion (e.g. in line with Vehicle Excise Duty (VED) bands, CCZ or ULEZ exemptions). Emission based parking rates could be applied initially across residents parking.

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