



City of Westminster

# Follow on Agenda

Title: **Council Meeting**

Meeting Date: **Wednesday 3rd May, 2017**

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 available from 6.30pm.**



**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](mailto:msteward@westminster.gov.uk) Tel: 020 7641 3134  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Follow on Papers**

**(Pages 1 - 2)**

**Priority Order of Business and Briefing Note**

**(Pages 3 - 6)**

**Report of the General Purposes Committee 26.4.17 -  
Appendix A**

**(Pages 7 - 14)**

**Westminster City Hall  
64 Victoria Street  
London SW1  
25 April 2017**

**CITY OF WESTMINSTER**

**COUNCIL MEETING**

**WEDNESDAY 3 MAY 2017**

Agenda Item 2: Lord Mayor's Communications

- The Lord Mayor to report that on Sunday 30 April he will attend the Annual Act of Remembrance at Dean Street to mark the Admiral Duncan bomb attack.

**ADDITIONAL PAPERS**

- Priority Order of Business and related Briefing Note - attached
- Report of the General Purposes Committee (26.4.17) and Appendix A - attached

Charlie Parker  
Chief Executive  
28 April 2017

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## CITY OF WESTMINSTER

COUNCIL MEETING – 3 MAY 2017

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

### MAJORITY PARTY

<b>No</b>	<b>Agenda Items 10 &amp; 12</b>	<b>Future Policy Plan/Subject</b>	<b>Cabinet Member Portfolio</b>
1.	City for All	21	Leader

A Briefing Note is attached

### MINORITY PARTY

	<b>Agenda Item 12</b>	<b>Subject</b>	
2.	Notice of Motion	London Living Wage	Finance, Property and Corporate Services

Charlie Parker  
Chief Executive  
28 April 2017

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## Council Meeting: 3 May 2017

### Briefing Note

#### Subject: City for All

City for All is the council's strategy for the city and the council. The strategy for 2017/18 sets out three priorities which will be delivered by five programmes over the course of the year.

#### Priorities

1. **'Civic leadership and responsibility at the heart of all we do'**. The council will place a renewed focus on how it acts as a custodian of the city and advocates for resident interests whilst also recognising the very important role the city's businesses play in creating economic prosperity. At the heart of this will be a commitment from the council to be even more transparent about the decisions it takes, whilst also providing the community with the tools needed to get involved in decision-making and take pride in the distinct neighbourhoods that make up the city.
2. **'Opportunity and fairness across the city'**. Providing more homes of all types and tenures, will be at the forefront of the council's priority to create opportunities for people to do the best for themselves and their families. The council's housing renewal programme includes providing more social and affordable homes so everyone can take continued and genuine pride in our mixed community. The Westminster Employment Service will help get people into work. The council will continue its commitment to outstanding schools and take a positive approach to adult social care. The council will work closely with partners including the NHS to encourage individuals and families to enjoy active, fulfilling, healthy and happy lives, whilst focussing resources on the support needed for the most vulnerable in our city.
3. **'Setting the standards for a world class city'** Westminster is a global city at the forefront of entertainment and culture, boasting one of the most popular night time economies in the world. The council will highlight the benefits and good practice of businesses that operate responsibly, as well as directly tackling the negative impacts of the sharing economy and anti-social behaviour on residents and businesses. This will be supported through more proactive and transparent communications and relationships that hold the police, businesses and other partners to account in the best interests of our city.

#### Programmes

The three priorities above will be delivered through five programmes:

##### 1. Civic Leadership Programme

- Councillors will lead Open Forum events for residents, helping local people make a difference to the community and their neighbourhoods.
- The council will increase our support for the city's businesses by working closely with the Business Improvement Districts and opening the sixth major enterprise space with Hub Paddington, and helping to create 150 jobs with Recruit London.
- The council will launch the Westminster Lion Awards to recognise the contribution of businesses who employ and invest in apprentices, work with local voluntary groups and improve the city's environment.

- The council will recognise volunteers during the year through Team Westminster, rewarding their important contribution by giving them time credits which they can spend on learning new skills at City of Westminster College or visiting major London. The council will celebrate the diversity and vibrancy of our neighbourhoods through a new City for All Day to bring people of all backgrounds together and take pride in Westminster.

## **2. Building homes and celebrating neighbourhoods programme**

- The council will deliver 1,850 affordable homes by 2023 and lead a review of rogue landlords.
- With our partners, the council will deliver our Health and Wellbeing Strategy, including redeveloping accommodation for people with care needs to provide extra nursing home places and specialist services.
- The council will open the new Moberly Leisure Centre, part of a £26m investment providing the best community sporting facilities for Westminster residents.
- The council will expand Westminster's excellence through the opening of the Sir Simon Milton Westminster University Technical College in September 2017. In addition to this we will create 100 new places over five years in Westminster City Boys' School. Invest a new £900k government fund to tackle homelessness before people lose their homes. We will commit to reducing the number of families who become homeless over a three year period, showing early intervention works.

## **3. Greener City Programme**

- The council will develop a new Clean Air Strategy to improve air quality in the city and deliver the '#DontBeldle' campaign to persuade drivers to turn off their engines when idle.
- The council will develop a new Open Spaces and Biodiversity Strategy to make sure the city's green spaces remain world class.
- The council will create the first new play streets within the Marylebone Low Emission Neighbourhood and roll out the first green business club across Westminster to make it easy for businesses to make their buildings more energy efficient.

## **4. World class Westminster Programme**

- The council will consult on what good growth for Westminster means, asking residents, businesses and all those with a stake in the city to contribute to how Westminster should look in the future.
- The council will set out a clear vision and plan for our night time economy, to promote the interests of residents, businesses and visitors. This will include the launch of a pilot for the Westminster Licensing Charter in Leicester Square and Piccadilly Circus, and a Gig and Sharing Economy Charter.
- The council is consulting on the future of the Oxford Street district so that it remains the UK's best known shopping and entertainment destination.

## **5. Smart Council Programme**

- The council will launch a new 'Report It' campaign to predict and proactively deal with developing trends on the day that they are reported to us.
- The council will deliver the one front door programme that will train social workers, librarians and city inspectors to be our eyes and our ears, spotting where vulnerable people may need additional support and taking proactive action.





City of Westminster

## General Purposes Committee

<b>Meeting:</b>	<b>General Purposes Committee</b>
<b>Date:</b>	<b>26 April 2017</b>
<b>Classification:</b>	<b>For General Release</b>
<b>Title:</b>	<b>Constitutional Issues</b>
<b>Wards Involved:</b>	<b>Not Applicable</b>
<b>Financial Summary:</b>	<b>There are no financial implications</b>
<b>Report Author and Contact Details:</b>	<b>Head of Committee and Governance Services Mick Steward Tel: 020 7641 3134 Email: <a href="mailto:msteward@westminster.gov.uk">msteward@westminster.gov.uk</a></b>

### 1. Executive Summary

- 1.1 This report seeks the Committee's approval to a change in the Constitution to allow a further Licensing Sub-Committee to be established. The reasons for this are set out in the body of the report. The report also changes the Planning Application Committees to Planning Applications Sub-Committees of the Planning and City Development Committee.

### 2. Recommendations

- 2.1 That for the reasons set out below approval be given for the establishment of a further Licensing Sub-Committee (No. 6) with the terms of reference set out in Appendix A.
- 2.2 That for the reasons set out below approval be given to amend the terms of reference of Licensing Sub-Committees 1 to 5 as set out in Appendix B.
- 2.3 That, for the reasons set out below the Committee approve the revised arrangements for calculating the proportionality of seats on Committees.
- 2.4 That the Council be recommended to approve that Standing Order 28(1) be amended as set out in paragraph 4.9 of this report .
- 2.5 That it be noted that subject to the approval of the Planning and City Development Committee the Planning Applications Committees Nos 1 to 4 be renamed Planning Applications Sub-Committees Nos 1-4.

### 3. Reasons for Decision

- 3.1 To ensure strict legal compliance with the political balance requirements whenever the Licensing Committee or one of its Sub-Committees considers any applications

and related matters that are not made pursuant to either the Licensing Act 2003 or the Gambling Act 2005.

#### **4. Background, including Policy Context**

##### **The need for a new Licensing Sub-Committee and the terms of reference of the Licensing Sub-Committees**

- 4.1 The Licensing Committee was established in accordance with the provisions of the Licensing Act 2003. Included in the provision is the requirement to have Sub-Committees drawn from the membership of the Licensing Committee, which has a maximum of 15 members.
- 4.2 The Licensing Committee established 5 Sub-Committees of 3 members each. Each Sub-Committee conducts the same type of business which also includes the Gambling Act applications. None of the Licensing Sub-Committees have to comply with the political balance rules contained within the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990. This is because the Licensing Committee and the Licensing Sub-Committees are appointed under the Licensing Act 2003 and not under the general powers contained in the Local Government Act 1972.
- 4.3 On occasions The Licensing Sub-Committees also consider applications which are outside the scope of the Licensing Act 2003 (or the Gambling Act 2005). In these circumstances different governance rules apply and, in particular, the Licensing Sub-Committees are then conducting business during which they should arguably comply with the political balance rules. Whilst Officers always ensure these are followed it is proposed that for complete transparency and overall better governance a separate Sub-Committee, also of the existing Licensing Committee be established, with the constitution and terms of reference as set out in Appendix A.
- 4.4 The proposed new Sub-Committee will be called Licensing Sub-Committee No. 6 and will be the only Licensing Sub-Committee that can determine applications that do not fall under either the Licensing Act 2003 or the Gambling Act 2005. However, it will have terms of reference that allow it to deal with all licensing applications. On any date when non-Licensing Act and non-Gambling Act matters are listed for consideration, the Licensing Sub-Committee sitting that day will be re-constituted as the Licensing Sub-Committee No. 6, the membership of which will be required to be constituted in accordance with the political balance requirements contained in the 1989 Act and the 1990 Regulations. In the event that 3 members of the majority party are due to sit on that date, the membership of the re-constituted Sub-Committee will include one member of the minority party. The Chairman of the Sub-Committee will not change. Officers will ensure that the different governance processes which apply are fully complied with. The Licensing Committee will be asked to approve the establishment of the new Sub-Committee on 17 May 2017 after the sitting of the Full Council as part of the meeting of Standing Committees.
- 4.5 For the reasons set out above, it is proposed that the terms of reference of Licensing Sub-Committees 1 to 5 are also amended so as to exclude all functions other than those under the Licensing Act 2003 and the Gambling Act 2005. The proposed amended terms of reference for those Sub-Committees are set out in Appendix B. As the political balance rules do not apply to those Sub-Committees, it is proposed that the arrangement of having 3 Members of the Majority party sit on very rare occasions as a result of availability be continued, though the default position will still be to achieve a political balance whenever possible. The business conducted on such

occasions will be limited to applications under the Licensing Act 2003 and the Gambling Act 2005. However, in the case of the proposed Licensing Sub-Committee No. 6, a strict proportionality of 2 Majority Party members and one Minority Party Member will be applied.

### **Revised arrangements for calculating the proportionality of seats on Committees.**

- 4.6 In accordance with legal advice and a practice adopted by several authorities the Council has not included the Licensing Committee within the scope of the proportionality rules. As explained above, this is because the Licensing Committee is appointed under the Licensing Act 2003 and not under the general powers contained in the Local Government Act 1972. . In practice, the Licensing Committee does have a membership which does accord with the political balance rules in any event.
- 4.7 The Licensing Committee also has very wide terms of reference that include functions other than those under the Licensing Act 2003 and the Gambling Act 2005. Rather than transfer those functions to a different Committee, it is considered that most appropriate way of proceeding is to require that Committee to comply with the political balance rules contained within the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990 even though it is not regarded as an ordinary committee of the authority. If the Committee accepts recommendation 2.3, based on legal advice, to include the Licensing Committee within the scope of the proportionality rules the review report will be produced accordingly and submitted to the Annual Council Meeting on 17 May.

### **Amendment of Standing Order 28**

- 4.8 The membership of the Licensing Committee has previously been appointed only by the full Council. Members of the Licensing Sub-Committees have been drawn on a rota basis from amongst the 15 members of the Licensing Committee. It is now recognised that appointments can potentially be made to the Licensing Committee using the delegation to the Chief Executive as set out in Standing Order 28(1). This is the Standing Order relied upon for appointing to all other formal Committees and Sub-Committees. However, it is considered that the Standing Order requires amendment for that purpose.
- 4.9 Standing Order 28 currently provides as follows:

Members of Committees and Sub-Committees shall be appointed by the Chief Executive in accordance with the wishes of the Political Groups subject to any limitations imposed by legislation or Standing Orders notified to him in accordance with the Local Government (Committees and Political Groups) Regulations 1990 provided that where a Political Group has failed to express its wishes in relation to an appointment in accordance with the Regulations the Council in the case of a seat on a Committee or the parent Committee in the case of a seat on a Sub-Committee may make such appointment as it thinks fit. Any change in the membership of a Committee or Sub-Committee shall be reported at the commencement of the next meeting of the Committee or Sub-Committee. (NB: This Standing Order does not apply to the Licensing Committee, the Cabinet or Committees/Sub-Committees thereof).

It is proposed to remove the reference to the Licensing Committee and its Sub-Committees in the final sentence so that the Standing Order will apply to appointments to that Committee and its Sub-Committees. It is also proposed to add a

sentence to confirm that appointments to the Licensing Sub-Committees 1 to 5 do not need to comply with the political balance requirements set out in the Local Government (Committees and Political Groups) Regulations 1990. The proposed amendment will read as follows:

Members of Committees and Sub-Committees shall be appointed by the Chief Executive in accordance with the wishes of the Political Groups subject to any limitations imposed by legislation or Standing Orders notified to him in accordance with the Local Government (Committees and Political Groups) Regulations 1990 provided that where a Political Group has failed to express its wishes in relation to an appointment in accordance with the Regulations the Council in the case of a seat on a Committee or the parent Committee in the case of a seat on a Sub-Committee may make such appointment as it thinks fit. Any change in the membership of a Committee or Sub-Committee shall be reported at the commencement of the next meeting of the Committee or Sub-Committee. (NB: This Standing Order does not apply to the Cabinet or Committees/Sub-Committees thereof and any appointments to the Licensing Sub-Committees 1 to 5 do not have to comply with the political balance requirements set out in the Local Government (Committees and Political Groups) Regulations 1990).

#### **Compliance with Access to Information requirements**

- 4.10 The proposed Licensing Sub-Committee No. 6 will effectively serve a dual function, being appointed to deal with matters under the Licensing Act 2003 and the Gambling Act 2005 but also other licensing matters as explained in the report. To the extent that it is dealing with other licensing matters it will be operating as an ordinary sub-committee of the authority for the purposes of the Local Government and Housing Act 1989. In addition to having to comply with the political balance requirements as set out in the Local Government (Committee and Political Groups) Regulations 1990, the Sub-Committee will also have to meet the Access to Information requirements set out in part VA of the Local Government Act 1972. Subject to any information being exempt from disclosure, this will require a copy of the agenda for the meeting and a copy of any report to be available for public inspection at least 5 clear days before the meeting. This is not a requirement that applies when the Licensing Committee or one of its Sub-Committees is carrying on business pursuant to the Licensing Act 2003 or the Gambling Act 2005, though copies of the agenda and reports for those meetings are nevertheless made available on the Council's website as soon as they are published and that is usually three clear days before the meeting.

#### **4.11 Planning Sub-Committees**

The establishment of the Planning and City Development Committee allows for this Committee to be the parent of the Planning Applications **Sub-Committees**. It is therefore proposed to rename these Planning Applications Sub-Committees Nos 1 to 4. This will remove the requirement for these Committees to be included in the calculation of proportionality of Committees. Sub-Committees are not included in the requirement. The Planning and City Development Committee will be asked to formally approve the establishment of the Sub-Committee as part of the meeting of Standing Committees held on the rising of the Annual meeting.

#### **5. Legal Implications**

These are set out in the report.

**6. Other Implications**

There are no other implications.

**Please contact Mick Steward: 7641 3134;  
Email: [msteward@westminster.gov.uk](mailto:msteward@westminster.gov.uk)**

## **APPENDIX A**

### **LICENSING SUB-COMMITTEE NO 6**

#### 1. CONSTITUTION

3 Members of the Licensing Committee. Two Majority Party Members and one Minority Party Member.

#### 2. TERMS OF REFERENCE

##### LICENSING ACT 2003

##### Personal Licences

1. To consider applications for a personal licence, where a representation has been made and the Cabinet Member for Public Protection and Licensing has asked that the application be referred to a Licensing Sub-Committee for determination.
2. To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.

##### PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

3. To consider applications for premises licences/club premises certificates where a representation has been made.
4. To consider applications for provisional statement where a representation has been made.
5. To consider applications for the transfer of a premises licence where a representation by the Police has been made.
6. To consider applications for interim authorities where a representation by the Police has been made.
7. To consider reviews to premises licences/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.

##### GAMBLING ACT 2005

To consider applications, submitted in accordance with the Gambling Act 2005.

##### TEMPORARY EVENT NOTICES

8. To determine a Police representation in respect of a temporary event notice.

## OTHER LICENSING FUNCTIONS

9. The grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence, registration, certificate, consent, permit, approval or permission, except where such function is within the terms of reference of another committee or sub-committee; body;
10. Without prejudice to the powers delegated to officers, and to the Licensing Officers' Panels, to hear and determine applications and appeals where there is a right to be heard;
11. Procedures for the conduct of business at the Officer Panel and the Licensing Sub-Committee, including all matters in respect of processing applications.
12. Operational matters in respect of licensing functions within the terms of reference of the Sub-Committee;
13. The approval of commodity guidelines in markets;
14. The designation, de-designation and variations to designations of street trading pitches;
15. The amendment of rules of management and standard conditions;
16. To consider and hear representations in respect of fees and charges and to determine the amounts thereof;
17. The consideration of all matters applications in respect of the minor licensing functions eg Pedlars Act and Nurseries Act; which have not been the subject of delegations to Officers;
18. To authorise a later hour in substitution for 12 midnight in Bylaw 3(2) of the Pleasure Fairs (Amusement Premises) Bylaws.

## **APPENDIX B**

### **LICENSING SUB-COMMITTEE NOS 1 TO 5**

1. CONSTITUTION

3 Members of the Licensing Committee

2. TERMS OF REFERENCE

#### LICENSING ACT 2003

##### Personal Licences

1. To consider applications for a personal licence, where a representation has been made and the Cabinet Member for Public Protection and Licensing has asked that the application be referred to a Licensing Sub-Committee for determination.
2. To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.

#### PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

3. To consider applications for premises licences/club premises certificates where a representation has been made.
4. To consider applications for provisional statement where a representation has been made.
5. To consider applications for the transfer of a premises licence where a representation by the Police has been made.
6. To consider applications for interim authorities where a representation by the Police has been made.
7. To consider reviews to premises licences/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.

#### GAMBLING ACT 2005

To consider applications, submitted in accordance with the Gambling Act 2005.

#### TEMPORARY EVENT NOTICES

8. To determine a Police representation in respect of a temporary event notice.