



City of Westminster

Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Wednesday 9th March, 2016**

Time: **11.30 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Nickie Aiken (Chairman)	Murad Gassanly
Heather Acton	Angela Harvey
Rita Begum	Louise Hyams
Susie Burbridge	Tim Mitchell
Melvyn Caplan	Jan Prendergast
Nick Evans	Shamim Talukder
Jean Paul Floru	Aziz Toki
Peter Freeman	

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 11.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 1, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. DECLARATIONS OF INTEREST

To receive any declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

2. MINUTES

To approve the minutes of the meeting held on Wednesday 18 November 2015.

(Pages 1 - 8)

3. WESTMINSTER CITIZENS ADVICE BUREAU LICENSING PROJECT ACTIVITY REPORT 2015

Report of the Director of Policy, Performance and Communications.

(Pages 9 - 30)

4. POLICING AND CRIME BILL 2015-16

Report of the Operational Director for Public Protection and Licensing.

(Pages 31 - 42)

5. GAMBLING RISK ASSESSMENTS, THE RESULTS FROM THE COUNCIL'S RESEARCH INTO AREA BASED VULNERABILITY TO GAMBLING AND THE PROPOSALS FOR THE REVISION OF THE COUNCIL'S STATEMENT OF LICENSING PRINCIPLES FOR GAMBLING

Report of the Operational Director for Public Protection and Licensing (to follow).

6. LICENSING APPEALS

Report of the Director of Law (to follow)

7. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

8. FUTURE LICENSING COMMITTEE MEETING DATES

6 July 2016 and 30 November 2016.

**Charlie Parker
Chief Executive
4 March 2016**

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City of Westminster

Minutes

Meeting:

Licensing Committee

Time and date of meeting:

**10:00 hours on Wednesday 18 November 2015 at
City Hall, 64 Victoria Street, London, SW1E 6QP**

Attendees:

Councillors:

- Nickie Aiken (Chairman)**
- Heather Acton**
- Rita Begum**
- Susie Burbridge**
- Melvyn Caplan**
- Louise Hyams**
- Jean-Paul Floru**
- Peter Freeman**
- Murad Gassanly**
- Angela Harvey**
- Tim Mitchell**
- Aziz Toki**

Apologies:

**Councillors Nick Evans, Jan Prendergast and
Shamim Talukder.**

Contact:

**Jonathan Deacon
Senior Committee and Governance Officer**

Details:

**Tel: 020 7641 2783
Email: jdeacon@westminster.gov.uk**

1. MEMBERSHIP

- 1.1 Apologies for absence were received from Councillors Nick Evans, Jan Prendergast and Shamim Talukder.

2. DECLARATIONS OF INTEREST

- 2.1 There were no declarations of interest.

3. MINUTES

- 3.1 The minutes of the Licensing Committee meeting held on 15 July 2015 were agreed as a correct record and were signed by the Chairman.

4. TRAINING FOR MEMBERS

- 4.1 Jonathan Deacon, Senior Committee & Governance Officer, introduced the report. He referred to the fact that a report had been considered by the Standards Committee in July 2015 on the topic of Member development. One of the proposals put forward by the Committee was that refresher training should be provided for Members who sit on quasi-judicial bodies. The Licensing Committee had previously received licensing training from David Matthias QC in July 2012. It was proposed on this occasion that training would be provided to Members at the conclusion of the next meeting of the Committee scheduled for 9 March 2016 by experienced legal and policy advisers who attend the Sub-Committee meetings. They currently offer training to all new Members of the Licensing Committee and Licensing Sub-Committee. The cost of the training would be met from within existing resources. Mr Deacon added that in the event that the Committee endorsed the proposals for refresher training to be provided, officers would be grateful for any Member feedback in terms of the topics covered. The training programme would then be tailored accordingly.
- 4.2 Councillor Tim Mitchell made the point that Members of the Sub-Committee did benefit from regular input from legal and policy advisers both prior to and during the meetings and were therefore likely to be well informed. He was of the view that there was value in having a training session in March 2016, particularly taking into account the effect of the adoption by the Council of revised licensing and gambling policies. Councillor Melvyn Caplan stated that refresher training was taking place for Members of the Planning Committees following the Standards Committee's recommendations. He recommended that an additional date to 9 March 2016 was also scheduled as it was likely that not every Member of the Committee would be able to attend the session then. He also recommended that the licensing training sessions include matters which tend to arise at Sub-Committee meetings on a frequent basis. The Chairman advised that officers contact Members of the Licensing

Committee at least a month prior to the training session in March 2016 to enquire whether there were any specific topics that they would like to be covered there. Mr Panto, Senior Assistant Solicitor, responded that Members were welcome to contact him or Mr Wroe, Licensing Policy & Strategy Manager, at any time prior to the meeting if there were any licensing matters that they would like clarification on. Officers would give thought to identifying the licensing matters that do arise on a frequent basis and reflect those in the training session.

4.3 **RESOLVED:** (i) That the proposals set out in the report relating to Member licensing training taking place on 9 March 2016 be endorsed and,

(ii) That Members be contacted at least a month prior to the licensing training taking place to enquire whether there are any specific topics that they would like to be covered at the session.

5. LICENSING FEES 2016/17

5.1 Mr Simpkin introduced the report. It set out the proposed fees for those licensing regimes where the Council has the power to set its own fees for 2016/17. Mr Simpkin advised that there had been some delays to undertaking licensing fees reviews whilst awaiting the outcome of, and taking into account the requirements of, the Hemming sex establishment licensing fees case. There had now been a Supreme Court ruling which enabled the Council to recoup some of its enforcements costs specifically in relation to sex establishments. Mr Simpkin referred to the major restructure involving Public Protection and Licensing which had taken place earlier in the year. The fees before the Committee had been calculated following a review of all the costs associated with the new structure and the changes to personnel. The proposed fees were set to enable the Council to recover its reasonable costs in processing and determining applications and ensuring compliance with the appropriate legislation and the conditions of the licence. Mr Simpkin described the fee methodology which was calculated by assessing the time it takes for each step in the process from receipt of application to determination and also aspects such as the perceived cost for the compliance and enforcement function carried out by the City Inspectors.

5.2 Mr Simpkin took Members through the recommendations of the report. The first was that the proposed fees in Appendix 1 of the report save for the lower risk massage and special treatment premises licence renewal fee be approved commencing 1 January 2016. Mr Simpkin explained that the date of 1 January was being put forward because the majority of the fees had not been determined for over a year and it was therefore important that they were implemented as soon as possible. The second recommendation was to introduce a surcharge for paying the licence fee by cheque. There was now a move to promote online and telephone payments. The submission of cheques incurred a cost to the Council. This included the time it took for officers to process them and put the information on the system. The third recommendation was for the Committee to approve one of the proposed

options for the increase in the lower risk Special Treatment Premises Licence renewal fee as set out in the report. Mr Simpkin made the point that it had been identified that the Council had not been recovering its costs relating to the special treatment regime for a number of years. Due to the nature of the fact that the businesses were often smaller in nature and that the fee increase would be significant for 2016/17, four options were being put forward as to whether the full increase would be implemented in 2016/17 or over the course of two, three or four financial years. If the Committee decided on option one the regime would be cost neutral in 2016/17. Other options would mean cost neutrality would not be achieved until the year when the costs for 2016/17 are finally recovered. There would therefore be a shortfall in projected income in future years. The fourth recommendation before the Committee was the proposed surcharge for late renewals of special treatment premises licences. Mr Simpkin explained that each year there are a number of licence holders that fail to renew their licence. The legislation which governed the licensing regime requires that once a licence has lapsed a new application is required. However, the fee involved for a new licence is significant and includes inspections and assessment that would not be necessary as the premises has already been licensed. Mr Simpkin added that the proposed surcharge fee would be less than the requirements for a new licence fee. Mr Simpkin also requested as part of the recommendations that the Committee note the need for further lobbying on amending the relevant regulations under the Licensing Act 2003 and Gambling Act 2005 to enable the Council to recover its reasonable costs in carrying out its functions under the Acts.

5.3 The Committee asked a number of questions and made a number of observations in response to the report and the points made by Mr Simpkin, including the following:

- Mr Simpkin was asked how many premises the proposed increase in the lower risk Special Treatment Premises Licence renewal fee was likely to affect in Westminster. He replied that it was likely to be approximately 229 premises.
- Mr Simpkin was asked how fees compared with neighbouring boroughs. He replied that in many cases the fees were more expensive than other London boroughs but it was calculated on recovering reasonable costs in Westminster.
- Mr Simpkin was asked whether fees could be apportioned depending on the size of the business providing the lower risk special treatments. Councillor Gassanly expressed concerns that the proposals would have a detrimental impact on smaller businesses. Mr Simpkin replied that when fees were calculated they were based on the work that officers had carried out and the work was the same for a large business as a small one. The fees could not be adjusted on the basis of the size of the business. Members appreciated that whilst there was a moral case for larger businesses paying more than smaller businesses for licensing applications they noted that the legal framework would not permit this.
- Councillor Freeman asked about the data in order to get a better appreciation as to how the fees had been arrived at. Mr Simpkin informed him that his team had worked very closely with Finance Department over

the summer to make a number of calculations including costs for each licensing regime and average officer time for each application. Finance would have access to more detailed data. The Chairman emphasised the work that had taken place amongst officers to ensure that the figures were accurate and costs were recovered.

- Councillor Caplan stated that given the circumstances it was understandable why it was proposed that revised fees on this occasion were introduced on 1 January 2016. In general however the Council was looking to regularise the implementation of fees and charges and April was a more logical time for introducing this. He recommended that fees were either rounded up or down to the nearest pound. Thought could also be given to a surcharge for credit or debit card use given that this also resulted in a cost to the Council in terms of processing.
- The Chairman made the point in relation to concerns that smaller businesses could potentially struggle as a result of fee increases that the Council could not be seen to be subsidising any businesses with taxpayers' money. She also referred to the need for further lobbying with the Home Office in particular as the Council was not able to recover its costs in relation to applications received such as the big increase in numbers of Temporary Event Notices. Steve Harrison, Operational Director for Premises Management, referred to the fact that due to the Hemming case, the fees for the special treatment regime had not been reviewed since 2012/13. Had they been reviewed on an annual basis, the percentage increase would not have been so significant for 2016/17.

5.4 The Committee approved option one relating to the full increase in 2016/17 for the fees for special treatment premises licences which offer lower risk treatments. This would enable the regime to be cost neutral. The Committee approved the proposed surcharge for late renewals of special treatment premises licences and also approved a proposed surcharge for paying the licence fee by cheque of £20. The fees would be rounded up or down to the nearest pound. Consideration would be given to whether a surcharge would be implemented for credit card payments. The Committee strongly supported the need for further lobbying on amending the relevant regulations under the Licensing Act 2003 and Gambling Act 2005 to enable the Council to recover its reasonable costs in carrying out its functions under the Acts.

5.5 **RESOLVED:** (i) That the proposed fees be rounded up or down to the nearest pound;

(ii) That taking account of (i) above, the proposed fees in Appendix 1 save for the lower risk Massage and Special Treatment premises licence renewal fee, be approved by the Committee without any recorded abstentions and objections, commencing 1st January 2016.

(iii) That a proposed surcharge of £20 for paying the licence fee by cheque be approved;

(iv) That taking account of (i) above, the Committee approve without any recorded abstentions and objections option one for the full increase in

2016/17 in the lower risk Special Treatment Premises Licence renewal fee;

(v) That the Committee approve the proposed surcharge for late renewals of special treatment premises licences;

(vi) That the need for further lobbying on amending the relevant regulations under the Licensing Act 2003 and Gambling Act 2005 to enable the Council to recover its reasonable costs in carrying out its functions under the Acts be noted and supported by the Committee; and,

(vii) That consideration be given to introducing a proposed surcharge for paying the licence fee by credit or debit card.

6. **UPDATE IN STATEMENT OF LICENSING PRINCIPLES FOR GAMBLING DEVELOPMENT**

6.1 The Committee received a report with an update on the development of the Council's Statement of Licensing Principles for Gambling under the provisions of the Gambling Act 2005. Mr Simpkin stated that the Statement was renewed every three years and the current Statement would no longer be in force after 30 January 2016. The Licensing Authority, in consultation with the Cabinet Member (and the Chairman of this meeting), was adopting a two staged approach to the preparation and publication of its new Statement of Principles. This was in the light of the change in national policy and the issues that Westminster faced in relation to gambling. The first stage document had been approved by Council on 11 November, would be published from 1 December for a period of four weeks and come into effect on 31 January 2016. The Licensing Authority was currently involved in stage two of the process which would replace the Statement of Principles coming into effect on 31 January 2016. This would be significantly revised and be far more specific and detailed about what is required from gambling premises in Westminster. The revised Statement would focus particularly on local areas and issues.

6.2 The Chairman made the point that the local area profile would be beneficial to the local authority as well as the gambling operators. It would be important that gambling premises are particularly well run in the higher risk areas that would potentially be established within the local area profile.

6.3 **RESOLVED:** That the contents of the report be noted.

7. **LICENSING APPEALS**

7.1 Hayley Davies, Litigation Appeals Manager, advised Members that three appeals which had been listed in the Magistrates' Court against the decisions of the Licensing Sub-Committee had recently been withdrawn. These were Bow Street Hotel in Bow Street, The Signature Restaurant and Basement Bar in Bow Street and Betfred in Harrow Road. Of the other appeals, the full hearing for Press in Panton Street was due to commence in January 2016.

The appeal was now being proceeded with on the basis that the decision of the Sub-Committee (which was to revoke the licence) was correct but that a new operator was now proposed who it was stated would run the premises in a competent manner. Ms Davies also referred to the sex establishment licensing fees case that had been heard in the Supreme Court on 13 January 2015, informing Members that all the representations in writing to the European Court of Justice were unlikely to all be seen by the Council until the end of 2015.

7.2 The Chairman thanked Ms Davies and legal advisers employed by the Council for their hard work in defending against the licensing appeals and also Members and officers involved with the Sub-Committee meetings for making carefully considered decisions which could be defended in the appeal courts.

7.3 **RESOLVED:** That the contents of the report be noted.

8. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

8.1 The Chairman recommended that all Members of the Committee experience the stress areas, particularly the West End, on a Friday or Saturday night at least once a year in order to inform decision making at Sub-Committee meetings. Members would be able to see the work of the City Inspectors and the operation of premises at first hand. It was agreed that Members who wished to join the City Inspectors' shift on a Friday or Saturday night should contact Andrew Ralph, Service Manager - Noise & Licensing.

9. FUTURE LICENSING COMMITTEE MEETING DATES

9.1 It was noted that the next meetings of the Licensing Committee would be held on Wednesday 9 March 2016, Wednesday 6 July 2016 and Wednesday 30 November 2016. All meetings are scheduled for 10.00am.

10. CLOSE OF MEETING

10.1 The meeting ended at 11.15am.

Chairman

Date

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City of Westminster

Licensing Committee Report

Meeting:	Licensing Committee
Date:	9 March 2016
Classification:	For General Release
Title:	Westminster CAB - Licensing Project Activity Report 2015
Wards Affected:	All
Financial Summary:	None
Report of:	Director of Policy, Performance and Communications

1. Executive Summary

- 1.1 This report seeks to advise the Licensing Committee of the work of the Westminster Citizens Advice Bureau Licensing Project in 2015.

2. Recommendations

- 2.1 That the Licensing Committee note the Activity Report produced by the Westminster Citizens Advice Bureau Licensing Project, attached as Appendix 1.

3. Background

- 3.1 The Westminster Citizens Advice Bureau Licensing Project was established in 2005 in response to the implementation of the Licensing Act 2003.

- 3.2 The purpose of the project is to provide an independent and expert advice, assistance, and representation service, free of charge to all Westminster residents and local businesses, in respect of their rights and responsibilities as potential “interested parties” at council hearings relating to licensed premises under the Licensing Act 2003, the Gambling Act 2005, and Sexual Entertainment Venues.

- 3.3 The project is funded by the council and managed by Westminster CAB. It is overseen by a Licensing Project Steering Group which includes representatives from the CAB and the council and is Chaired by a local resident and ex-restaurateur. The project employs a full time specialist licensing lawyer and appropriate managerial and administrative support.

- 3.4 An Activity Report produced by the Westminster Citizen Advice Bureau Licensing Project is attached as Appendix 1.

4. Financial and Legal Implications

4.1 There are no financial implications or legal implications arising from this report.

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Chris Wroe Licensing Policy & Strategy Manager on 020 7641 5903 or email cwroe@westminster.gov.uk.

Licensing Advice Project

**Activity Report: 1 January 2015 - 31
December 2015**



**citizens
advice**

Westminster

Executive Summary

The Licensing Advice Project is provided by Citizens Advice Westminster (formerly Citizens Advice Bureau) and funded by Westminster City Council. The Project was set up in 2005.

The Project provides advice, assistance, information and representation to residents and businesses in respect of their rights and responsibilities under a range of licensing legislation, principally Licensing Act 2003, Gambling Act 2005 and Local Government (Miscellaneous Provisions) Act 1982.

The need for advice on these issues reflects the increased role given to residents in each of the three licensing regimes.

Clients are advised by email, by phone, and in person. Clients are seen in person at their convenience, usually at their home or a venue local to them. Advocacy on behalf of residents at licence hearings is a major part of the Project.

In addition to casework, the Project undertakes a range of other activities, including responding to local and national consultations. The Project also has a dedicated website containing information and advice.

The Project has a range of benefits for clients, the local authority, and the licensing process in general, including helping to ensure that objectors focus on relevant issues in representations and at hearings.

The Project contributes to the wider Social Policy aims of Citizens Advice, improving the policies and practices which affect people's lives.

The Project looks forward to continuing to provide tailored, focused, timely, specialist, practical and pragmatic advice, information, assistance and representation to residents and businesses in 2016.

Contents

1. Introduction and overview
2. The Licensing Advice Project's Service
 - 2.1 Casework
 - 2.2 Other Project activity
3. Benefits of the Project
4. Social Policy work
5. 2016
6. Conclusions

Appendices

- A. Case studies
- B. Website statistics
- C. Client comments and thanks

1. Introduction and overview

The Licensing Advice Project (“the Project”) is provided by Citizens Advice Westminster and funded by Westminster City Council. This Report sets out the activity of the Project during 2015.

The Project provides free information, assistance, advice and representation to residents of the City of Westminster (including residents’ associations and amenity societies) and businesses in respect of their rights and responsibilities as “interested parties” under three licensing regimes:

- Licensing Act 2003¹
- Gambling Act 2005 (since 2012)
- Local Government (Miscellaneous Provisions) Act 1982² (since 2012)

The service is independent, impartial and confidential. It is the only service of its kind in the country.

The advice takes in a range of issues including problems with the current operation of a premises or objections to applications made under the three regimes.

The twin aims of the Citizens Advice service nationwide are:

- To provide the advice people need for the problems they face.
- To improve the policies and practices that affect people’s lives.

To this end, the Project focuses not only on casework, but also on wider issues in licensing law on behalf of residents, for example helping to ensure that developments in the law or Council procedure are disseminated, responding to consultations at both local and national level, and contributing articles for local and

¹ “Interested parties” are now known as “other persons”

² Under the 1982 Act, resident objectors are simply referred to as “objectors”

national publications.

The Project reports quarterly to a Steering Group chaired by Matthew Bennett, a resident of Westminster with expert experience of licensing issues from a resident's perspective and from a licence holder's perspective, and comprising the adviser, a representative from the City Council (Chris Wroe), and the adviser's line manager.

2. The Licensing Advice Project's Service

The Project has been advising residents of Westminster for just over 10 years. It is currently staffed by:

- The adviser - Richard Brown. Richard is a qualified solicitor who has specialised in licensing law for 9 years, particularly in Westminster.
- Project administration and line management

Although the three regimes covered by the Project are superficially similar in terms of residents' rights and responsibilities, there are a number of important differences. It is important for residents to understand the nuances of each regime. In particular, each regime has specific parameters for what is 'relevant'.

The philosophy of enabling increased involvement by local people is common to all three licensing regimes. One reason why Licensing Act 2003 empowered local authorities with licensing functions previously exercised by licensing justices was to increase the accessibility of the process to residents, who 'may be inhibited by court processes, and would be more willing to seek to influence decisions if in the hands of local councillors.'

The amendments to Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982 to include 'sexual entertainment venues' were a direct result of lobbying by certain groups with the express purpose of giving local communities more of a say in such applications.

2.1 Casework

The Project has provided information, assistance, advice and representation on the following types of application in 2015:

- new premises licence under s17 Licensing Act 2003
- variation of premises licence under s34 Licensing Act 2003
- review of premises licence under s51 Licensing Act 2003
- new club premises certificate under s71 Licensing Act 2003
- ‘minor variation’ of premises licence under s41A Licensing Act 2003
- new premises licence under s159 Gambling Act 2005
- review of premises licence under s197 Gambling Act 2005
- review of premises licence under s200 Gambling Act 2005
- noise/anti-social behaviour and other public nuisance issues
- information/advice on miscellaneous licensing issues – e.g. WCC’s consultation on Licensing Policy

Level of work

No two cases are the same, and so it is difficult to generalise about casework. For advice on applications for licences, some clients simply request information on an application or issue and do not require further assistance. More usually, clients require more detailed advice on an application and how best to frame their objections. We would then offer to draft or assist with drafting their representations. Where clients request representation at hearings, we usually offer a face to face meeting to go through the procedure and explain what to expect. We suggest pragmatic approaches to applications, and to proposals by applicants’ representatives. Following hearings, we report the outcome and any conditions which were imposed.

For noise problems and reviews, we advise on what options are available. Where appropriate, we will write to the licence holder/DPS and liaise with them on behalf of residents. We advise on what evidence residents need in order to bring an effective

review application. We draft review application forms and witness statements, and assist with the procedural aspects, for instance ensuring that the application is correctly served. Casework therefore tends to comprise three broad stages:

- **Information only,**
- **Advice and assistance,**
- **Representation at Sub-Committee hearings.**

In 2015, the Project represented residents (ranging from an individual to multiple residents, amenity societies and residents' associations, at 37 licensing hearings.

The Project was also asked to represent residents at a number of hearings which were either not necessary following withdrawal of representations after negotiations and agreement, or where we were not able to attend but instead submitted written representations in advance of the hearing.

Key features of casework

- Advice and representation can be provided to an individual client, to groups of 2 or more clients, to residents' associations, amenity societies, and to 'ad hoc' groups of residents.
- Clients are rarely seen in the Bureau. We see clients in their homes or at a convenient place e.g. coffee shop or workplace, at a time which is, as far as possible, convenient for the client.
- Clients can access the service outside working hours by email.
- Clients can access the Project website at their convenience.
- If a client is unable to attend a hearing, they can still be involved in the process by being represented at the hearing.

There are two case studies at Appendix A.

2.2 Other Project activities

- We submit an article for each edition of the Institute of Licensing’s ‘Journal of Licensing’ with a focus on licensing issues affecting residents.
- We have developed and maintained a dedicated website, www.licensingadvice.org. The website has general information and advice on all three licensing regimes, and handy step-by-step guides to each are available to download.
- We maintain close links with amenity societies and residents’ associations.
- We attend the Westminster Entertainment Forum.
- We used to attend some of the Area Forums. The Area Forums have been replaced by ‘Open Forums’, which we are also planning to attend.
- We submit articles for residents’ magazines/newsletters.
- We respond to Westminster City Council or Government consultations
- We encourage and facilitate involvement by residents in consultations
- We have contributed to external licensing research projects, giving a residents’ perspective – e.g. the joint Westminster City Council/Manchester City Council-funded gambling research by ‘Geofutures’, and a research project on the first ten years of Licensing Act 2003 by the ‘Institute of Alcohol Studies’.

4. Benefits of the Project

Benefits for clients

- Access to specialist legal representation in a niche area of law
- The Project is a “one-stop” resource of information as well as advice and representation
- Representation in terms of direct feedback and policy reporting to the local authority on issues affecting or likely residents
- Representation in terms of responses to local and national consultations affecting or likely to affect residents
- We can advise and represent more than one resident
- Residents are empowered to participate in the licensing regimes
- Residents who do not have the time, do not wish, or do not need to contact

the Project directly can access the website at their convenience

- The Project can 'level the playing field' at hearings by providing representation to objectors
- The Project can speak for residents who may feel intimidated or nervous at speaking, especially where the applicant is represented by an experienced solicitor, barrister or QC
- The Project can explain what different conditions mean in practice
- The advice provided is tailored to licensing in Westminster
- The Project provides residents with representation when residents are unable to attend hearings attend because of e.g. work/holiday
- Disabled clients who are unable to attend a hearing can have appropriate representation

Benefits for the local authority

- The Project can coordinate representations and concerns, especially regarding last minute changes to an application or additional conditions being proposed. This can lead to more efficient hearings.
- Saving of officer time
- The service is independent of Westminster City Council as it is provided by Citizens Advice Westminster
- It is the only service of its kind in the country where resident objectors have access to free specialist representation
- Due to the length of time the Project has been in existence, the advice provided is able to be tailored to licensing issues in different parts of Westminster
- Clients often express gratitude to the City Council for providing the service.
- The service can help facilitate agencies working to a common goal e.g. when residents support responsible authority-led reviews
- Residents can take their own action without responsible authorities having to do so
- Residents' views can be heard when on holiday, rather than requests for adjournments being made

- Allows residents to play full role at a hearing e.g. be party to discussions beforehand/during, and receive pragmatic advice on developments
- Reputational benefit in providing a service which no other local authority provides
- Councillors are able to refer residents to the Project
- Council officers are able to refer residents to the Project

Benefits for the process as a whole

- Applicants can have one point of contact for multiple resident objectors
- Objectors sometimes withdraw or do not make representations having taken advice, thus saving time and expense for all
- Concerns are focused on relevant matters
- Conditions can be agreed or proposed prior to a hearing
- Late changes to applications can be explained to residents independently
- ‘Live’ issues can be narrowed down or at least clarified prior to a hearing

6. Social Policy

The Social Policy work of Citizens Advice involves collecting client evidence, locally and nationally, to campaign for change to policy and practice.

Social policy work in the context of the Licensing Advice Project can include: cases where the impact of the advice given is wider than the individual to whom the advice is given, or cases which sets a precedent which has a wider impact than the individual case itself. For example, we have assisted residents’ associations/amenity societies, or individual residents who are themselves acting on behalf of other residents, or a resident shares the advice with other residents.

We also contribute to Social Policy work through dissemination of useful information about Council procedure/best practice, either through the website or by emailing amenity societies. For example, we have sent out topical procedural information to amenity societies - e.g. changes in contact details for the Licensing Teams.

We also contribute to Social Policy work is by responding to local and national consultations. For example, we responded to the City Council's consultation on its review of its Statement of Licensing Policy, and assisted amenity societies. A copy of the Project's response is available on request.

7. 2016

Licensing law seems to be in a state of constant flux, particularly issues relating to Licensing Act 2003 and Gambling Act 2005. It is likely that 2016 will see the introduction of the 'Night Tube', which may have ramifications for licensing in central London and beyond. In particular, it may lead to an increase in applications beyond the 'core hours' policy HRS1. The impact of the Night Tube is unclear, but it will be important that residents are able to engage with the debate either in individual applications, or wider Policy considerations.

8. Conclusions

The twin aims of Citizens Advice dovetail nicely with the remit of the Project. Providing residents of Westminster with access to specialist advice and representation is an important step in ensuring that residents are empowered to utilise their rights and responsibilities and participate in the democratic process which Parliament has, in each of the licensing regimes, entrusted to local authorities.

The effective participation of residents in these licensing regimes helps to ensure that the views of all stakeholders are taken into account when the licensing authority exercises its functions under Licensing Act 2003, Gambling Act 2005 and Local Government (Miscellaneous Provisions) Act 1982.

We look forward to continuing to meet the needs of the community by providing tailored, focused, timely, specialist, practical and pragmatic advice, information, assistance and representation in 2016.

APPENDIX A: Case study

Representations on licence applications

Licensing Act 2003

Premises: Restaurant

Location: Soho

Client type: individuals (x6)

Application type: application to vary premises licence

The background

We were contacted by a resident who wished to object to an application to vary a premises licence for a restaurant adjacent to his flat. The resident initially sought advice on the content of his representation, and subsequently sought advice going forward and requested representation at the hearing.

We had a meeting with the client and other residents prior to the hearing. We were subsequently contacted by 3 other individuals who had objected to the application and requested the Project to represent them at the hearing. The application was refused.

The application

The premises licence required the premises to operate as a restaurant, as the licence was subject to conditions requiring the sale of alcohol to be ancillary to substantial table meals. The application sought to relax this condition to permit a number of customers to drink without being required to eat. The client and other residents were concerned that this would lead to the premises becoming a bar, which would add to 'cumulative impact' in the West End Stress Area and an increase in public nuisance.

We advised the client how his representation should be amended to make it more effective. We drafted a section on the relevant Council policies which were applicable. The client was given background information on the context of the application. We informed the client that there had been a number of similar applications in Soho recently, as operators sought to relax the 'restaurant' licence conditions to which they were subject. They had been encouraged in this endeavour by a successful appeal by an operator against a decision of the Council's Licensing Sub-Committee. The application submitted here was in almost identical terms to the outcome of the appeal.

We therefore advised that objectors concentrate on distinguishing the circumstances of this application from the circumstances of the appeal decision, as each case must be decided on its own merits. We obtained from the Council a copy of the most recent appeal decision, and sent it to the clients with advice on what the salient points were from that appeal, and how this application might be different. In

this way, at the hearing, residents could argue that the appeal decision should not be taken as tacit approval for subsequent applications.

The client requested a meeting with us before the hearing, to discuss the content of the Report to Sub-Committee which would be considered by the Council at the hearing, and to discuss what their approach should be. We explained the hearing process and advised on the content of the Report and that in opposing the application we intended to demonstrate that the circumstances of this case were different to previous cases which had been granted on appeal.

We confirmed arrangements for the hearing to residents and informed them of the requirement to inform the case officer at the Council whether or not they intended to attend the hearing.

The hearing

Four residents requested to be represented at the hearing. Three residents attended in person. The applicant was represented by a partner of a well-known law firm specialising in licensing. We were able to rebut the points made by the Applicant's representative and argue that the proposed change amounted to a change in the nature of the operation, in contrast to previous similar applications which had been granted on appeal.

The Sub-Committee decided to refuse the application. We reported the outcome of the hearing to the clients and advised that the Council would send them confirmation of the decision with reasons in due course.

Conclusion

The advice, information and assistance given enabled residents' objections and the case they were able to put at the hearing to be framed effectively and couched in terms which took into account the correct context of the application and how the Sub-Committee may seek to determine it, taking into account previous appeal decisions which the residents would not otherwise have known about.

Gambling Act 2005

Premises: betting shop

Location: Harrow Road

Client type: individuals (x8), amenity society

Application type: application for review of premises licence (initiated by licensing authority)

The background

Local residents had for some years experienced frequent nuisance, anti-social behaviour and crime and disorder related to the operation of a betting shop on the part of Harrow Road known as 'Prince of Wales junction'.

Westminster City Council had been made aware of the gravity and scale of these concerns during a campaign waged by residents and a Neighbourhood Forum to

object to an application for a new betting shop in the near vicinity of the existing betting shop. Residents were able to organise themselves to submit a large amount of effective representations to that application, many of which referred to the ongoing problems with the existing betting shop.

The Project had advised a number of residents and community groups on how to make effective representations on the application for a new betting shop, and had helped to co-ordinate the community campaign. We represented a number of the residents and groups at the hearing. The application for the new betting shop was refused.

After the hearing we had a meeting with Council officers and residents, at which residents were asked about their views on whether they would support a Council-led 'review' of the existing betting shop's licence.

The application

Betting shop premises licences are not time limited and do not need to be renewed. The licence for the existing betting shop had existed for many years and when Gambling Act 2005 came in to force, the previous licence issued the Magistrates' Court was simply converted in to a 'premises licence' under the new Act. Gambling Act 2005 provides the power for a licensing authority (i.e. the Council) to initiate a 'review' of a licence if problems have occurred. Because of the powerful evidence submitted by residents both before and after the hearing of the application for a new betting shop, the licensing authority (the Council) decided that they would initiate a review of the licence.

This is a procedure which can ultimately lead to the revocation of the licence, although more likely it will lead to restrictions and conditions being added to the licence aimed at resolving the anti-social behaviour and other problems experienced by residents.

Residents who witnessed the problems on a daily basis reported that customers using the betting shop often drank alcohol outside the premises, took alcohol inside the premises and consumed it there, perpetrated anti-social behaviour, harassed and threatened passers-by, consumed drugs, and sold stolen goods. Numerous complaints had been made to the staff but it appeared that they were unable or unwilling to take effective action. The drinking inside and outside the premises was part of a wider problem of street drinking, which seemed to focus on the area immediately outside the betting shop. The location is very sensitive, seeing a large amount of footfall and having a history of serious problems with crime, disorder and anti-social behaviour.

All in all, the issues were having a profound effect on those living directly above the premises, and were having a wider effect on the community who passed the premises everyday whilst going about their daily business. The City Council was working with residents to improve the area, and it was felt that these issues were detrimental to that aim. We agreed to play a role advising residents and residents' groups, and representing them at the hearing.

Once the review had been initiated, a 28 day consultation period started during

which time ‘interested parties’ (local residents and businesses situated ‘sufficiently close’ to be affected) could make representations.

As with the previous application for a new betting shop, residents struggled somewhat with the terminology and requirements of the legislation. We advised residents by email as to what they needed to do to support the review. We discussed with them what outcome they sought from the review. Some wanted the licence revoked, some wanted strict conditions imposed.

We repeated the advice previously given as to the content of representations. Most were happy to write and submit their own representations, which was a sign of how they had been empowered by the advice given on the previous application for a new betting shop licence. We drafted a representation on behalf of the amenity society which represented residents in the area. The representation covered broader and wider issues on behalf of the community as a whole.

We were then contacted by a representative of a residents’ group who asked for advice on what to include in a representation. We gave advice to them to pass on to their members.

The hearing

The application was listed for a hearing before the City Council’s Licensing Sub-Committee in October. We advised residents on the hearing procedure. We were asked to represent 4 individuals who were not able to attend the hearing and who would otherwise not be able to play a part in proceedings. We were also asked to represent 4 residents who were attending, and the amenity society. One resident was happy to represent herself but sought advice on the content of the hearing paper and what she needed to focus upon at the hearing.

We telephoned each resident who was attending the hearing to discuss and advise upon the content of the Report to Sub-Committee, which was over 1000 pages long and contained copious evidence from the licensing authority’s observations of the premises and evidence from the licence holder’s solicitors and QC. We explained the hearing procedure for a licence review hearing and confirmed the attendance details.

We met residents on the morning of the hearing to discuss anything which had arisen from their reading of the evidence. We represented 8 individual residents, including a resident who turned up on the day without having contacted the Project. She did not know anything about the process and whether she could speak. A Council officer asked if we would speak to her. We spoke to the resident and explained the situation, and agreed to represent her also. We explained that she could address the Committee herself, which she subsequently did, briefly. A Councillor also attended the hearing. The licence holder was represented by a firm of well-known licensing solicitors, and an eminent QC.

We spoke to the licensing authority and to the licence holder’s legal representatives in order to get an update on the current situation. It transpired that a list of conditions had been tentatively agreed between the authority and the licence holder.

We explained the meaning of these conditions to the residents, and outlined our views on the conditions to the other parties. We advised that residents could seek alternatives, and we suggested stronger wording for some of the conditions. In this way, the residents were able to be fully involved in the process in an independent way which did not take up the time and resources of the Council officers present. The hearing lasted all day. We presented an oral submission to the Sub-Committee, and introduced those residents who chose to speak. In particular, we pointed out the striking similarity between the Council's observations of the premises, and residents' actual experience, and referred the Sub-Committee to a number of examples in the hearing papers.

The parties discussed the proposed conditions. We proposed a number of amendments which made the conditions stricter and imposed more of obligations on the licence holder. In particular, a condition had been proposed that a door supervisor must be present for a period of one year. We said that it may assist, but only for that one year.

The Sub-Committee retired to consider their decision. They imposed a large number of conditions on to the licence to address the issues which residents had experienced. The Chair of the Sub-Committee specifically thanked the residents for attending and giving powerful and persuasive evidence.

Due to the length of the hearing, the residents had left by the time the decision was made. We wrote to advise the residents of the full decision and the conditions imposed.

Conclusion

In conjunction with the previous case involving an application for a new betting shop, the case was an excellent example of partnership working between residents and the Council. The review was initiated by the Council following residents' concerns which were brought to the Council's attention. The Council's observations supported the residents' evidence, and this provided very powerful and convincing evidence to the Sub-Committee.

Further case studies can be provided on request.

APPENDIX B: Website statistics

Document	No. of downloads in 2015
Guide to Licensing Act 2003	1037
Resolving problems with licensed premises	193
Resident's Noise Log	178
Outline of Project	429
Guide to a licence hearing	158
Step-by-step Guide to LA03	292
Step-by-step Guide to GA05	226
Step-by-step Guide to LG(MP)1982	215

Appendix C: Client comments/feedback

‘To whom it may concern,

Licensing Advice Project

In my capacities as a Soho Resident, long-term active member of the Soho Society and Chair of its Licensing Group for the last five or six years, I have come to consider the Licensing Advice Project an invaluable resource for people who live and work in Westminster.

As a resident, and speaking on my own behalf as well as that of other Soho residents, it is easy to feel powerless when a licensed premises plays music too loudly, or its customers cause obstructions or noise nuisance when entering or leaving the venue. We all hear the familiar line “Well if you don’t like it you shouldn’t live there”, which further reinforces feelings of helplessness. Luckily, the Licensing Advice Project provides free, well-informed advice and practical help. Given that Westminster has the highest concentration of licensed premises in the country, this project is every bit as necessary as it is helpful.

As Chair of the Soho Society Licensing Group, I often (when appropriate) advise residents who approach us with concerns about licensed premises to contact the Licensing Advice Project, and have heard back from many grateful residents who have been helped [by the Project]. Since taking over as Chair of the Soho Society Licensing Group, the help and advice I have received from [the Project] has been invaluable to my voluntary work as part of this local amenity group.

[The Project’s] efforts stand us – The Soho Society - in good stead for negotiating between licensed premises and residents. In this West End Cumulative Impact Area, where lively, noisy commercial venues abut residential homes, negotiation is an ever-present reality for just about everyone in the neighbourhood. The Licensing Advice Project gives residents a voice and helps them become a part of the negotiation process, ensuring better outcomes for both them and commercial interests. So the work of this project therefore helps maintain harmony in one of the busiest and most vibrant parts of London.

Yours faithfully,

[amenity society licensing Chair]

Bryanston and Dorset Square resident: ‘I’m writing to you to pass on how fantastic [the Project] has been in helping my husband and I to make an application regarding a license change in the Marylebone area. Just prior to Christmas I contacted your office to ask for help interpreting a very long and complex application for a hotel very near my home.

[The Project]:

- Helped me to understand a very complex application and pointed out the salient points I should be aware of

- Answered multiple queries I had about how to position my objections so that they would be appropriately heard by the council
- He commented on my draft application
- I was unable to make the hearing and to my amazement he offered to represent me at the hearing
- He met me after hours the week of the hearing (on his own time) to discuss the finer points of my submission so that he could represent me well
- He researched the history of the application so that he could advise me well and represent it properly at the hearing
- He phoned me straight after the meeting to tell me that my key concerns had been listened to and removed from the license change; then he followed it up with a summary email today

Because of [the] professional and very prompt and thorough help, I have been able to express my concerns appropriately about a topic I am not an expert in. I was able to brief fellow neighbours pre Christmas to encourage them to make submissions (which some of them did), and then I've been able to keep them abreast of developments. And most importantly, we have been successful in making changes to the license application.

I found the Project to be incredibly professional and helpful...[and] a major credit to your organisation.

Please pass this onto any appropriate people, other team members and funding bodies, as appropriate.'

Marylebone High Street resident: 'This is immensely helpful, especially the wording of your proposed additional conditions. Thank you again.'

Harrow Road residents: 'In addition to expressing my gratitude, I wanted to say what a stunning job you and [Council officers] did. I was hugely impressed with the case you each/all put together - both in terms of power of evidence and argumentation. The case was brilliantly put together and then unpacked for the sub-committee's benefit, and [] had no escape from the truth - top QC or not!'

Bayswater resident: 'I have been able to sleep so much better with your incredible help re the [] case which I am eternally grateful for.'

St James's resident: 'Thank you once again for your amazing support and advocacy at the hearing today. Even with a legal background I find these hearing a nervy process. They would have had a much better chance of getting their application through had you not been there and I am, as ever, very grateful for your help.'

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City of Westminster

Licensing Committee Report

Meeting:	<i>Licensing Committee</i>
Date:	<i>Wednesday 9th March 2016</i>
Classification:	<i>For General Release</i>
Title:	<i>Policing and Crime Bill 2015-16</i>
Wards Affected:	<i>All</i>
Financial Summary:	<i>N/A</i>
Report of:	<i>Operational Director for Public Protection and Licensing</i>

1. Executive Summary

- 1.1 This report sets out the proposals within the Policing and Crime Bill to amend the Licensing Act 2003 (the Act). The proposals within the Bill are to:
 - 1.1.1 amend the meaning of alcohol,
 - 1.1.2 amend the provisions for Summary Reviews,
 - 1.1.3 provide a new power for the Licensing Authority to suspend or revoke a personal licence when notified of a conviction for a relevant offence,
 - 1.1.4 expand the list of relevant offences for personal licences holders, and
 - 1.1.5 remove the need for the Secretary of State to lay statutory guidance before Parliament.

2. Recommendation

- 2.1 That the Committee note the content of this report.

3. Policing and Crime Bill

- 3.1 On the 10th February 2016 the Home Secretary introduced the Policing and Crime Bill (the Bill) to the House of Commons. It introduces a raft of new or amended measures associated with crime, policing and the emergency services.

- 3.2 The Bill proposes five specific amendments to the Licensing Act 2003. Some of these amendments are minor in nature, such as the change to the meaning of alcohol, changes to the way statutory guidance is published and adding relevant offences for personal licences. Two of the proposals do have the potential to have more of an impact on how the City Council, as Licensing Authority undertakes its functions associated with personal licences holders who are convicted of a relevant offence and when considering, determining and defending appeals for summary review applications.

4. Meaning of alcohol: Powdered and Vaporised Alcohol

- 4.1 It is proposed that the meaning of alcohol is amended to include alcohol in any state. The government are proposing this amendment to enable the Act to capture powdered and vaporised alcohol which could potentially become popular in the UK.
- 4.2 At present powdered alcohol or palcohol as it is commonly known is only authorised to be sold in the United States of America. In the explanatory notes accompanying the Bill the government state that “as far as is known it is not yet available to buy in America or anywhere else”.
- 4.3 Officers have conducted some simple online research and have identified that powdered alcohol products are available to purchase online and there are some websites offering the products for sale and delivery in the UK already once it becomes legal. The powdered alcohol (palcohol) being advertised for sale in the UK is available from £2.99 and has an alcohol volume of 10% when mixed with 170ml of water (see Appendix 1).
- 4.4 Vaporised alcohol is alcohol in the form of a vapour which is pumped into a room so that customers can inhale it. Vaporised alcohol can also be inhaled from an inhalation device. Vaporised alcohol is available in the UK and although we are not aware of any premises offering their customers the opportunity to inhale alcohol within Westminster there has been a premises operating in the London Borough of Southwark who has been providing its customers the experience of breathing in alcohol (see Appendix 2).
- 4.5 The proposed amendment to include alcohol in any state would mean that any premises offering powdered or vaporised alcohol would need to be licensed under the Act.

5. Summary review: Interim steps

- 5.1 The Act contains the power for the police to make an application for a summary review if the premises have become associated with serious crime or disorder. The Licensing Authority must consider within 48 hours from the receipt of a summary review application whether it is necessary to impose interim steps such as suspending the premises licence. These interim steps remain in effect until a full review hearing has been conducted which must be within 28 days of the summary review application being received.

- 5.2 The licensee can make a representation to the Licensing Authority after the interim steps have been taken. If a representation is made by the licensee of the premises the Licensing Authority must hold a hearing within 48 hours of receipt of that representation to consider it.
- 5.3 In practice the City Council does invite the premises licence holder to a hearing when it considers the interim steps which offers them the ability to put across their views prior to a decision being made on what interim steps are necessary. This has had the effect of reducing the need for the licensee to make representations once the interim steps are put in place. However, some licensees may not be able to attend that hearing at such short notice and in any event they can exercise their right to make a representation following the interim steps decision.
- 5.4 There are currently no limits on the number of times a licensee could exercise their right to make a representation to the Licensing Authority. If any representations are made the Licensing Authority has a duty to hold a hearing within 48 hours of receipt of that representation. A licensee could potentially put in multiple representations during the course of the 28 day period, prior to the full review hearing taking place. The Licensing Authority would have to hold a hearing to consider each representation during that period. Although it is unlikely that this would occur it is a possibility and the government are aware of situations where this has happened. The proposed amendment to the Act limits the licence holder to only making further representations if there has been a material change in circumstances since the previous representations had been considered by the authority at an interim steps hearing.
- 5.5 The City Council has already been operating a similar approach to that proposed. In the event that changes to the operating practices of the premises have been proposed following the implementation of the interim steps, for example a reduction of hours, further security arrangements or cessation of a licensable activity (which the police might also consider to be appropriate steps) the licensees would submit a representation to the Licensing Authority which would then prompt a hearing within 48 hours. At that hearing the licensee would put across the proposals to the Licensing Sub-Committee who would consider them and then decide whether to amend the interim steps in line with those proposed by the licensee, having regard also to any representations that may be received from the police.
- 5.6 As mentioned above, the full review hearing must take place within 28 days of the receipt of the application for a summary review of the premises licence. The decision taken at the review hearing only comes into effect once the time limit for appealing the decision (21 days) has expired or any appeal has been disposed of.
- 5.7 There is some legal ambiguity over what happens after the decision of the Licensing Authority at the full hearing and the date when that decision eventually takes effect. The issue relates to whether interim steps remain in place during this period. There is also uncertainty as to whether the interim steps can be withdrawn or amended at an earlier stage.

- 5.8 The government are concerned that the ambiguity in the law has resulted in unfair steps being imposed on businesses on the one hand (which might be unable to operate effectively during a lengthy appeal process) or unsuitable premises continuing to operate freely during that appeal process on the other hand.
- 5.9 The proposal to amend this part of the Act will make it a requirement that the Licensing Authority considers the interim steps at the full review hearing. In effect the Licensing Authority will have to make two decisions at the conclusion of that hearing. The first will be to take such steps (if any) as it considers necessary for the promotion of the licensing objectives, this being the decision on the full review itself. The second will be to determine what interim steps should be in place pending the outcome of any appeal, or the expiry of the time limit for making the appeal.
- 5.10 In considering the proportionality of the interim steps the Licensing Authority must review the interim steps to ensure they are appropriate having regard to the need to promote the licensing objectives. In reviewing those interim steps the Licensing Authority must consider any relevant representations and determine whether to withdraw or modify any interim steps.
- 5.11 Any interim steps that have been determined at that full review hearing will apply until the end of the period given for appealing against the decision of that review (21 days) or if the decision is appealed until that appeal is disposed of.
- 5.12 The Bill also proposes to introduce new appeal right for the police and the licence holder on the interim steps imposed at the full review hearing. This power requires an appeal to be heard within 28 days from the date it is lodged with the Court. This new appeal provision could create additional work and risk to the Council in dealing with these appeals in such a short period of time. The vast majority of decisions made by the Licensing Authority relating to summary review applications are appealed. It is expected that the interim steps imposed by the Licensing Authority at the full review hearing will also be appealed if an appeal is lodged for the full review decision.

6. Forfeiture and suspension of personal licences on conviction of relevant offences

- 6.1 A personal licence holder must produce their personal licence to the court if they have been charged with a relevant offence (as defined within Schedule 4 of the Act) before the case is heard. The Act carries a provision within it that if a personal licence holder is convicted of a relevant offence the court can order the forfeiture or suspension of that licence. It is up to the court if they exercise this power to impose either a suspension on the personal licence or revoke it. However, evidence suggests that the courts are not routinely exercising their powers in this regard.
- 6.2 If the personal licence holder is found guilty of a relevant offence or foreign offence then he/she must notify the Licensing Authority who issued that licence. Once notified of the relevant offence or foreign offence the Licensing Authority currently has no power to suspend or revoke that licence; nor is there provision

for a court to order the forfeiture or suspension of a personal licence other than at the point the licensee is being sentenced for a relevant offence.

- 6.3 Due to the nature of some of the relevant offences there would be a potential serious risk to the licensing objectives for an individual to continue to hold a personal licence and work within licensed premises until sentenced.
- 6.4 The proposed amendment to the Act will retain the current court powers and provide additional powers to the Licensing Authority to enable it to suspend a licence for a period of up to 6 months or revoke it. The power to suspend or revoke a personal licence cannot be delegated to officers and will be a function for the Licensing Sub-Committee. The personal licence holder will have a right of appeal to the magistrates' court against any decision of the Licensing Authority to suspend or revoke the licence.

7. Addition of further relevant offences

- 7.1 A conviction for a relevant offence can be grounds for refusing a new personal licence (or for suspending or revoking an existing licence if the provisions described in section 6 of this report are implemented). The proposal within the Bill is to expand the list of relevant offences for personal licences holders to include:
 - 7.1.1 The sexual offences listed in schedule 3 to the Sexual Offences Act 2003;
 - 7.1.2 The violent offences listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003;
 - 7.1.3 The manufacture, importation and sale of realistic imitation firearms contrary to section 36 of the Violent Crime Reduction Act 2006;
 - 7.1.4 Using someone to mind a weapon contrary to section 28 of the Violent Crime Reduction Act 2006; and
 - 7.1.5 The terrorism-related offences listed in section 41 of the Counter-terrorism Act 2008.
- 7.2 The schedules and sections referred to in 7.1.1, 7.1.2 and 7.1.5 above are large documents. Due to the size of these documents we have not included them within this report. However, they will be available to members of the licensing Committee for inspection at the hearing if requested.
- 7.3 It should be noted that the list of relevant offences will be further expanded shortly with the inclusion of offences under the Psychoactive Substances Act 2016 which was given Royal Assent on the 28th January 2016. The offences that will be added to Schedule 4 of the Act are the offences of producing, supplying or offering to supply, possession, importing or exporting of a Psychoactive Substance. The Psychoactive Substances Act 2016 is likely to come into force in full later this year.

8. Licensing Act 2003: Guidance

- 8.1 The Secretary of State must produce Guidance to Licensing Authorities under section 182 of the Act. However, before a revised version of the guidance can be published the Secretary of State must lay a draft of that guidance before both Houses of Parliament. The draft guidance will then lie for a period of 40 days to enable each house the option of disapproving the draft guidance. If this guidance is disapproved by either House the Secretary of State must make such further revisions to the licensing guidance as appear to him to be required in the circumstances.
- 8.2 Since the 2003 Act came into force, there have been a number of revisions to the guidance, none of which have been subject to Parliamentary debate. The proposed amendment within the Bill will enable the Secretary of State to publish any revised guidance going forward without the need to lay it before each House of Parliament. This will enable amendments to be made quicker and reduce parliamentary time.

9. Financial Implications

- 9.1 There are no financial implications as a result of this report.

10. Legal Implications

- 10.1 The legal implications have been addressed in the body of this report. In particular, it should be noted that there is a risk of increased appeals and costs as a result of the additional expedited appeal rights referred to in paragraph 5.12 above. The Home Office considers the risk of expedited appeals to be minimal on the basis that licensees will have been given the new opportunity to put forward their case against any interim steps at the conclusion of the full review hearing. However, it is not considered that such an opportunity will actually mitigate against the need to appeal if the interim steps involve either the loss of a key licensable activity or the suspension of the licence.

11. Staffing Implications

- 11.1 There are no staffing implications as a result of this report.

12. Reason for Decision

- 12.1 The report is provided for information purposes only. It sets out the proposals to amend the Licensing Act 2003 within the Bill. The Bill is at the start of the process of becoming an Act in Parliament and it is likely that the Bill will receive proposed amendments through this process. The Bill will not be fully enacted until it receives Royal Assent.

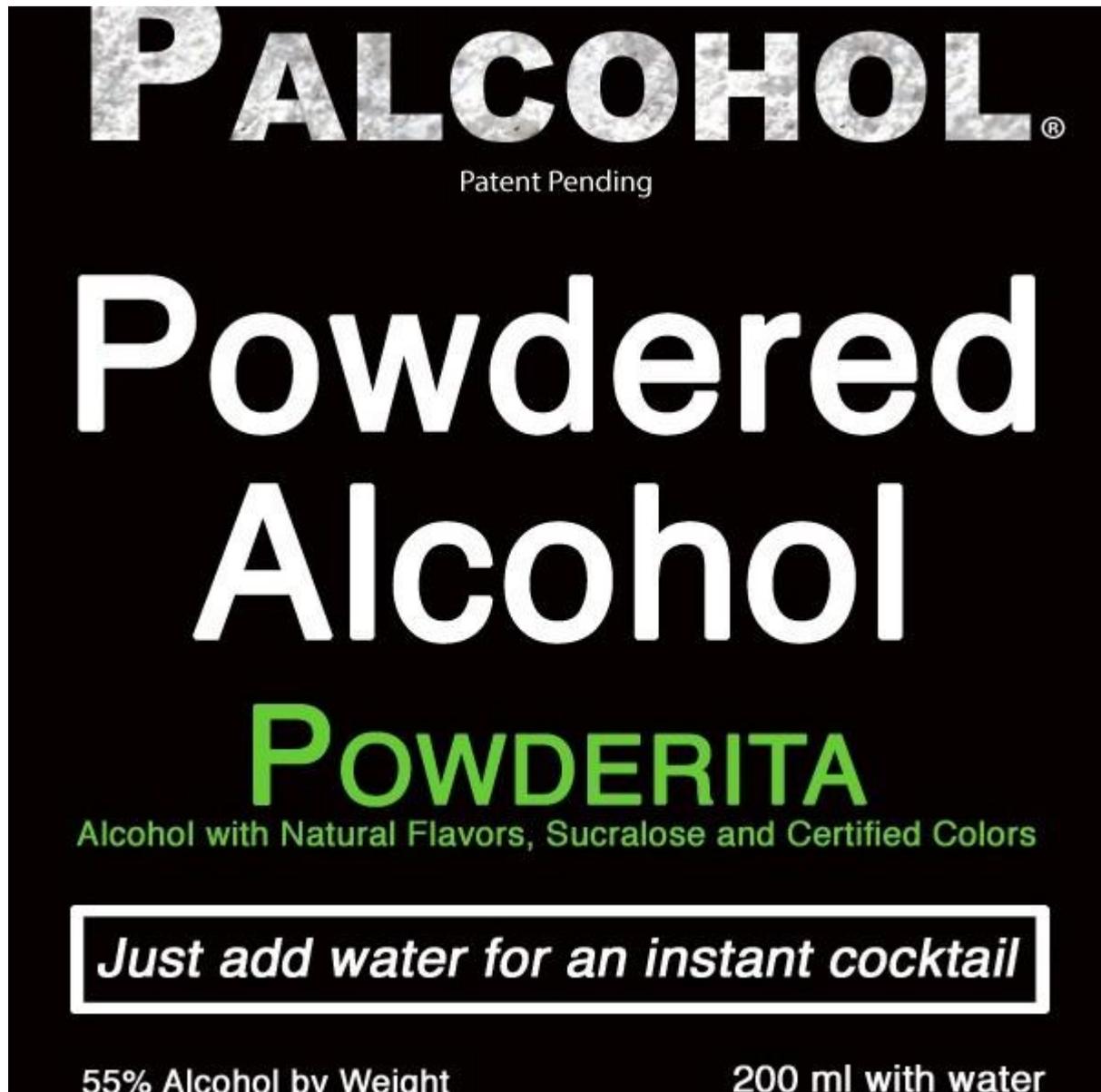
If you have any queries about this report or wish to inspect one of the background papers please contact Mr Kerry Simpkin on 020 7641 1849 or via email ksimpkin@westminster.gov.uk.

Appendices

Appendix 1 – Powdered Alcohol Advertised for sale in UK

Background Papers

- Licensing Act 2003
- Policing and Crime Bill (Bill 134 2015-16 (as introduced))
- Explanatory notes to the Policing and Crime Bill (Bill 134 2015-16 EN)
- Sexual Offences Act 2003
- Criminal Justice Act 2003
- Violent Crime Reduction Act 2006
- Psychoactive Substances Act 2016
- Counter-Terrorism Act 2008



Cocktail Powdered Alcohol

£2.99

Product Description

Enjoy Powderita a Margarita style cocktail in powder form. Each packet comes ready to mix by adding 6 ounces (170 Milliliters) of water creating the same volume as one regular drink (200ml).

This product is absolutely great for enjoying a drink at home or when leading an active lifestyle, such as camping, hiking, fishing or festivals, as it is much easier to transport and a lot lighter than lugging around heavy bottles. Imagine hosting a cocktail party at the top of a mountain, with Palcohol you can!

- Each packet of Palcohol is 4" x 6" in size
- Palcohol is gluten free
- One packet weighs about an ounce
- Each packet is about 80 calories
- 55% alcohol by weight
- 10% alcohol by volume

This product will be in high demand when it is released in the UK this summer, so subscribe now to make sure you don't miss out.

ALCOHOLIC ARCHITECTURE - Borough Market, London

Open until July 2016

Bompas & Parr's Alcoholic Architecture is live in Borough Market, featuring a walk-in cloud of breathable cocktail. The installation is an alcoholic weather system for your tongue where meteorology and mixology collide against a canvas of monastic mayhem, referencing the gothic splendour of neighbouring Southwark Cathedral.

Set in a Victorian building that was once the original home and offices of The Trustees of Borough Market, the bar takes over the basement – itself a former banana store for unripe fruit arriving from the West Indies – and will source many ingredients for its drinks list from Borough Market itself.

[BUY TICKETS HERE](#)

Watch this amazing 360° walk-through of Alcoholic Architecture by Fundamental. Use the arrows in the top left corner to navigate. (Please note: to experience the best 360° affect please view through a smart phone with YouTube installed. Alternatively view through a Chrome or Firefox browser.)

Alcoholic Architecture sits next to the UK's earliest gothic cathedral and on the site of an ancient monastery. These themes are channelled through a drinks lists entirely comprised of spirits and beers created by monks: potations such as Chartreuse, Benedictine, Trappist beer and even the notorious Buckfast – a fortified wine so savage that Scotland's parliament is reportedly drafting legislation to stop the caffeinated intoxicant from entering their country. All will be featured in elegantly balanced, refined and luxurious conventionally served drinks that guests can take back into the cloud.

Alcoholic Architecture

1 Cathedral Street

Borough Market

London SE1 9DE

Opening Times:

Monday: Closed

Tuesday: Closed

Wednesday: 19.00 - 22.00

Thursday: 18.00 - 23.00

Friday: 16.00 - 23.00

Saturday: 12.00 - 23.00

Sunday: Closed

Tickets:

Book your tickets via [billetto.co.uk](https://www.billetto.co.uk)

Entry cost between £10 and £12.50 depending on the day and time.

We keep a number of tickets for walk-ups, but for guaranteed entry we recommend booking tickets in advance, especially for the weekend, as it gets particularly busy.

Please note:

This event is for 18s and over only. The bar is not easily wheelchair accessible.

Please contact alcoholicarchitecture@bompasandparr.com to discuss your specific access requirements.

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