



CITY OF WESTMINSTER

# MINUTES

## Licensing Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Wednesday 21<sup>st</sup> March 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Angela Harvey (Chairman), Heather Acton, Julia Alexander, Susie Burbridge, Melvyn Caplan, Peter Freeman, Murad Gassanly, Louise Hyams, Tim Mitchell, Jan Prendergast and Karen Scarborough

**Apologies for Absence:** Councillors Rita Begum, Jean Paul Floru, Shamim Talukder and Aziz Toki

#### 1 DECLARATIONS OF INTEREST

1.1 There were no declarations of interest.

#### 2 MINUTES

2.1 **RESOLVED:** That the minutes of the Licensing Committee meeting held on Wednesday 29 November 2017 be signed by the Chairman as a correct record of proceedings.

#### 3 LICENSING CHARTER AND NIGHTSAFE PROJECT

3.1 A presentation was given to the Committee by Kerry Simpkin, Licensing Service Team Manager and Heidi Lawrance, Senior Licensing Officer entitled 'Expanding the Licensing Charter beyond the pilot and introducing the Nightsafe Initiatives - Enhancing our safe and prosperous evening and night time economy'. The presentation powerpoint slides were included in the agenda papers.

3.2 The matters raised in relation to the presentation included the following:

- The Chair requested that there was a change in emphasis for future 'drinkaware' campaigns away from the 'stay with your pack' slogan as the pack of wolves concept had a frightening connotation.

- The Chair asked who it was intended would be the Nightsafe Ambassadors working on Friday and Saturday evenings. Ms Lawrance replied that the Licensing Service was looking at working with Team London, a group of volunteers linked with the Greater London Authority. They offered tourist information and volunteered at events. They had previously been involved at the London Olympics in 2012. There would also be discussions regarding recruiting volunteers with universities, community groups, Team Westminster and the Street Pastors. All trained volunteers would be DBS checked.
- The Chair sought clarification on NHS engagement in the Nightsafe Project. Ms Lawrance responded that the Licensing Service was in talks with the Clinical Commissioning Groups ('CCG') and the London Ambulance Service. They supported the Project but wanted to see how it progressed before providing any formal assistance.
- Mr Simpkin advised that the Licensing Service was learning from the experience of the use of safe spaces, including in Swansea and Clapham. The Portman Group had produced a toolkit on the key considerations relating to the safe spaces. One of the key elements was the collection of base data.
- Councillor Hyams welcomed the Nightsafe Project and the use of volunteers. She asked whether the Licensing Service had considered finding a sponsor to cover the cost implications of the Project. Mr Simpkin replied that finding a sponsor was one of the key future objectives. Funding of £100K had been secured over a two year period from the Leader's Fund. The emphasis was on establishing the model and proving that the model works. It was hoped that once this was proved it would be handed over to a commercial entity to run it.
- Councillor Freeman asked whether the Nightsafe Ambassadors and Police would be patrolling or static. Mr Simpkin replied that the Nightsafe Corridor was where it was planned there would be a high visibility presence, including the Police and Nightsafe Ambassadors. Ms Lawrence added that the Ambassadors would be on the move, interacting with people. Venues would also be able to call the Ambassadors if there were any vulnerable individuals in their premises.
- Councillor Scarborough asked whether there were any plans to extend the Nightsafe Project beyond Friday and Saturday nights and whether it would be in operation on Bank Holidays. Ms Lawrance replied that it was intended that the Project would be in operation on Bank Holidays and during large scale events, such as Pride. Mr Simpkin confirmed that the Project was also likely to be in operation on New Year's Eve, including in the event this date did not fall on a Friday or Saturday. He mentioned that Thursdays had been looked at for the Nightsafe Project but it was not possible to extend the Project beyond Fridays and Saturdays at this time due to lack of funding. Volunteers were also more likely to be available during weekends.

- Councillor Acton asked where the Nightsafe Hub was likely to be located. Mr Simpkin informed the Committee that the location was yet to be finalised. Charing Cross Library was earmarked as a potential Hub site if an alternative site could not be found in the locality. Businesses would be consulted on potential sites. He clarified that the Hub would be a secure environment with security at the door and it would not be open to the public to walk in and out. The Police would be utilising it as a headquarters. Councillor Acton suggested that there was the option to discuss with the CCG a potential Hub site at Soho Square.
- Councillor Caplan expressed support for the objectives of the Licensing Charter. However, he emphasised that businesses were being asked to sign up to do what they were already required to do in terms of their premises licences. This was to promote the licensing objectives. It was vital that there was not the reward of less enforcement action for those businesses who signed up to the Licensing Charter initiatives. Sara Sutton, Director of Public Protection and Licensing, stated that this point was accepted. It would help to inform the risk based approach to inspections. There would be an increased confidence in management through sign-up to the Charter. In the event, however, there were issues and enforcement was required, a robust approach would be taken.

3.3 **RESOLVED:** That the presentation was noted by the Committee.

#### **4 EVENING AND NIGHT TIME ECONOMY IN WESTMINSTER – 6PM-6AM – OUR PRINCIPLES AND RESPONSE TO THE NIGHT TIME COMMISSION**

- 4.1 The Committee received in the agenda papers the Council’s response to the Night Time Commission’s consultation document. The Night Time Commission had been established by the Mayor of London. The Chair advised in her capacity as a Night Time Commissioner that a new Chairman of the Commission was yet to be appointed following Philip Kolvin’s departure. There had also been a lack of discussion with the Commissioners as to the questions posed in the consultation document.
- 4.2 Ezra Wallace, Head of Corporate Policy and Strategy, took Members through the Council’s Consultation response. He explained that the response was intended to reassert that the original scope of the Commission was about the evening and night time as a whole. The response expressed some disappointment that the consultation focussed so specifically on a narrow set of questions around the night time economy. There was an economic element associated where people went out to enjoy restaurants, bars and clubs and various forms of entertainment. However, the night time was equally for a resident who may want to use a green space or walk their dog on a quiet street, someone who might want to take part in a charitable activity or a cleaner who needed to return home in the early hours of the morning.
- 4.3 Mr Wallace highlighted the five principles for an inclusive and diverse evening and night time in Westminster and London as a whole which were set out in

the response. The first principle was that there needed to be an inclusive evening and night time for everybody, reflecting the full diversity of the City. The second principle was to create a balanced evening and night time through local assessments and London wide innovation. The third principle was to develop integrated street based services. The fourth principle was to manage the evening and night time through collaborative leadership, including public, private and voluntary sectors. The fifth principle was to promote growth and diversity within a flexible and changing economy. This would need to adapt to changing trends and customer demands. The offer would remain inclusive and open.

- 4.4 The Committee welcomed the content of the Consultation response. Members made a number of points including that the goal was not for London to be a 24 hour City with an entertainment or predominantly alcohol led economy operating throughout the night time and residents being adversely affected as a result. The Committee supported the broader range of cultural offers envisaged in the response.
- 4.5 Mr Wallace stated that the intention was to report back on any further developments in terms of the work of the Night Time Commission.
- 4.6 **RESOLVED:** That further developments in terms of the work of the Night Time Commission be reported to the Committee.

## **5 GAMBLING POLICY REVIEW APPROACH FOR 2018/19**

- 5.1 Mr Simpkin introduced the item. He gave an update to the Committee regarding the DCMS Consultation on proposals for changes to gaming machines and social responsibility measures under the Gambling Act 2005. This had been considered at the November 2017 meeting. The Council's formal response had been submitted in January 2018 and had included that the maximum stake for Fixed Betting Odds Terminals ('FOBT') should be £2. The Gambling Commission had recommended to the DCMS on 19 March 2018 that the maximum stake should be limited to £2 for FOBT (B2) slots stakes where there was a higher rate of problem gambling associated with them than non-slot games, a more limited return and a higher spend. The Gambling Commission had also recommended that the maximum stake should be set at or below £30 for FOBT (B2) non-slot games (which includes roulette) should they have a significant effect on the potential for players to lose large amounts of money in a short space of time. Mr Simpkin commented that many of the recommendations made by the Gambling Commission in response to the DCMS' review aligned with what had been proposed in the Council's response, including in respect of online gambling and advertising.
- 5.2 Mr Simpkin said that the Licensing Service had been working on the updated gambling policy review approach for the last three years. A complete shift was being proposed away from the existing policy to one where all premises based gambling operators must undertake local gambling risk assessments. The new policy would be much more localised, would identify the key areas of

concern and would highlight the Council's approach to gambling and what the expectations are. The public consultation for the gambling policy was scheduled over a twelve week period between June and September 2018. It was expected that there would be quite a lot of communication from the gambling industry as there was a significant change to the policy from previously.

- 5.3 Councillor Scarborough welcomed the clustering policy which would require operators to have heightened measures in place to identify and support those who may be at risk or who are problem gamblers. Councillor Caplan expressed concerns that if the Gambling Commission's recommendations were accepted, there was still the potential for large stake betting machines in the high street, including B3 machines, to have an appalling and devastating effect on those vulnerable to gambling addiction. He recommended that the Council lobbied strongly against large stake betting machines. Councillor Acton made the point that currently no Public Health money was allocated to address addiction to gambling. Mr Simpkin advised that the Licensing Service was working with GamCare, the national counselling service, to support local residents in Westminster. Space was given in Council buildings to GamCare to provide counselling. Ms Sutton informed the Committee that she would be meeting with Public Health representatives in the next two weeks and would take forward this matter with them.
- 5.4 Councillor Mitchell stated that representatives of the Chinese community in the Chinatown area would be interested in being involved in any consultations on the gambling policy. He expressed the view that it would be more appropriate to include Edgware North and Church Street as a cluster of gambling premises rather than Queensway North and Church Street which were more distant from each other. Members of the Committee, including Councillor Mitchell, welcomed the twelve week length of the consultation period which give stakeholders, including residents, the opportunity to comment either before or after the summer holiday period.
- 5.5 **RESOLVED:** That the contents of the report be noted.

## **6 NOTTING HILL CARNIVAL APPROACH AND TEMPORARY EVENT NOTICES**

- 6.1 The item was introduced by David Sycamore, Licensing Team Manager. He made the point that there had been feedback from the Committee at the previous meeting in November regarding the Notting Hill Carnival Temporary Event Notices that had been brought before the Licensing Sub-Committee in 2017. An internal process had now been established so that officers would be well versed on their approach to these TENs in the event they reached the Sub-Committee. Mr Sycamore drew Members' attention to the fact that as part of the consultation process this year, the Events and Filming Team were producing a best practice guide for operators at the Carnival that would include a licensing update. The update would request submission of TENs as early as possible.

- 6.2 Mr Sycamore advised that the Licensing Service would be engaging with stakeholders from April 2018 and would expect to receive a robust event management plan from them. The Licensing Service and the Events and Filming Team would be available to assist them in achieving this. The primary reason for this urgency was to resolve any issues relating to the crowd dynamics.
- 6.3 Mr Sycamore explained that one of the notable changes that would potentially take place at the Carnival in 2018 was the receipt of more TENs in St Luke's Road. This was on the border of Westminster and Kensington and Chelsea. One of the outcomes from a previous review was that in order to improve the crowd dynamics, Westminster would potentially have demand from operators who had previously been located in Kensington and Chelsea.
- 6.4 Mr Sycamore also mentioned that the Licensing Service would be engaging in April with one of the sound systems operators to inform them that it was not appropriate for them to submit a TEN and seek a capacity of 499 people. They would be required to apply for a premises licence and the Licensing Service would offer them support, including in terms of producing their management plan.
- 6.5 The Chair asked Mr Sycamore whether there had been any issues arising from the TENs which had been permitted at the Carnival in 2017. Mr Sycamore replied that the feedback received from licensing officers and the Police was that only one of the operators, the sound system, had proven that it was no longer appropriate for them to have a TEN. The earlier engagement with operators in 2017 than in previous years had assisted.
- 6.6 Councillor Caplan recommended that it was set out in writing to those requesting TENs that if the application was opposed by Environmental Health or the Police, the Sub-Committee only had the power to accept the TEN or refuse it. There was no process of negotiation permitted at Licensing Sub-Committee hearings. Mr Sycamore responded that this would be included in the licensing guidance document.
- 6.7 In response to a question from Councillor Burbridge, Ms Sutton advised that she had overall shared responsibility for the Council's approach to the Carnival along with Richard Gibson, Head of City Promotions, Events and Filming.
- 6.8 **RESOLVED:** That the contents of the report be noted.

## **7 LICENSING SERVICE OVERVIEW 2015/16 TO 2017/18**

- 7.1 The Chair stated that she had requested this item as it was a time as it was last meeting of the Council term to reflect on the licensing work which had been carried out since the previous Council election. She thanked the Members of the Committee who would not be standing at the next Council election for their contribution.

- 7.2 The item was introduced by Steve Rowe, Licensing Senior Practitioner and Ros Hick, Team Manager. Mr Rowe referred to some of the significant developments for the Licensing Service over recent years. These included that the two Licensing Teams (premises based licensing and street based licensing) had merged during the previous twelve months. The merger had been of benefit to customers as there was one service and officers as they were involved in all the different licensing regimes and it developed their understanding.
- 7.3 Mr Rowe advised there had also been an increase in the number of applications received in the last three financial years. On average there had been an approximate 30 applications a month increase. There was a specific spike in applications in the months from September to November particularly due to the receipt of Temporary Event Notices relating to Christmas and New Years Eve. Resources in the Licensing Service had been directed to where they were needed in response to these trends.
- 7.4 Mr Rowe stated that trends relating to the Licensing Act 2003 applications received were also being examined by the Licensing Service on an ongoing basis. The Licensing Act 2003 applications received over the last three years had been predominantly restaurant based. The Committee noted that museums, galleries and leisure applications received was similar to those received for nightclubs, bars and pubs. Mr Rowe also added that there had been a significant increase in demand for the Licensing Service's pre-application advice service. Advice at this early stage from the Environmental Health Consultation Team often led to applications complying with the Council's policy so that they did not need to be considered by the Licensing Sub-Committee.
- 7.5 Ms Hick referred to some of the operational delivery successes. These included the Council's approach to gambling policy which had been discussed in item 5 of this agenda, joint working with the Council's Health and Safety Team following the escape of a male silverback gorilla from its enclosure into a non-public area of London Zoo and working collaboratively with HM Immigration in developing the approach that London licensing authorities would take in checking the right to work documentation resulting from the Immigration Act 2016 and its resulting amendment to the Licensing Act 2003. The Licensing Service had also worked with the Council's Digital Transformation Team to implement its own integrated online application forms which were customer friendly and reduced the amount of work, including data entry, officers were required to do in this area. Ms Hick advised the Committee that 70% of application forms were now received online. Improvements had also been made to how street licensing was regulated, including working with other Council departments with regard to markets.
- 7.6 Ms Hick mentioned that the emerging trends being identified by the Licensing Service included mixed use dining where premises would maximise their income with a clear split between a restaurant area and entertainment provided. Also cafes, health shops and gyms were applying to sell alcohol. Ms Hick said there were a number of potential impacts on the Service

including General Data Protection Regulations implementation and the review of the street trading policy to ensure it is aligned with the market strategy.

7.7 The Chair asked for clarification on how the Licensing Authority classified films. Ms Lawrence replied that there was collaborative working with the British Film Institute where officers within the Licensing Service viewed films and shared information with the BFI. Officers were trained classifiers. The Chairman requested further information on this service at the next Committee meeting in July. Councillor Caplan requested information on what percentage of applications which were submitted following receipt by the applicants of pre-application advice had been granted under delegated authority.

7.8 **RESOLVED:** That (i) further information on the service undertaken by the Licensing Service with regard to film classification be provided to the next Committee meeting in July;

(ii) That information be provided by officers on what percentage of applications which were submitted following receipt by the applicants of pre-application advice had been granted under delegated authority; and,

(iii) That the contents of the report be noted.

## 8 LICENSING APPEALS

8.1 Heidi Titcombe, Principal Solicitor and Manager of the Planning, Highways and Licensing Team, provided an update on licensing appeals since the previous meeting of the Committee in November 2017. She confirmed that Shared Legal Services had been handling seven appeals on the Council's behalf during this timeframe. Of the seven, one appeal for Sophisticats, 3-7 Brewer Street had been heard in June 2017. Ms Titcombe advised that costs of £42,684 had now been paid by the Appellant and received by the Council. Three further cases had been withdrawn, one was settled and two were ongoing. Full details of the cases were set out in the report.

8.2 Councillor Mitchell requested that an updated table was added to future Licensing Appeals reports for the Licensing Committee meetings setting out the number of appeals received and of these, the numbers subsequently allowed, dismissed, withdrawn or settled. This information had been made available in the past to the Licensing Committee.

8.3 The Chair thanked Members for the care and consideration they gave to Licensing Sub-Committee applications. She also thanked Shared Legal Services for their advice at Sub-Committee hearings and the work they had undertaken in respect of appeals.

8.4 **RESOLVED:** (i) That an updated table with information on licensing appeals was added to future Licensing Appeals reports for the Licensing Committee meetings; and,

(ii) That the contents of the report be noted.

**9 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**

9.1 There was no urgent business.

**10 FUTURE LICENSING COMMITTEE MEETING DATES**

10.1 It was noted that the next meetings of the Licensing Committee would be held on Wednesday 4 July 2018 and Wednesday 28 November 2018. All meetings are scheduled for 10.00am.

The Meeting ended at 11.48am

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_