



CITY OF WESTMINSTER

# DRAFT MINUTES

## Licensing Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Friday 6 September 2019**, Room 18.2 and 18.3, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ian Adams (Chair), Heather Acton, Margot Bright, Susie Burbridge, Peter Freeman, Murad Gassanly, Jim Glen, Louise Hyams, Aicha Less, Tim Mitchell, Shamim Talukder, and Jacqui Wilkinson.

**Officers present:** Sara Sutton (Executive Director of Environment, City Management and Communities), Annette Acik (Interim Director of Public Protection and Licensing), Andrew Ralph (Head of Licensing and Regulatory Service), Kerry Simpkin, (Head of Licensing Policy, City Policy and Strategy, Barry Panto (Senior Assistant Solicitor), Steve Rowe (Licensing Team Manager) and Georgina Wills (Committee and Governance Officer).

**Apologies for Absence:** Councillors, Rita Begum, Karen Scarborough and Aziz Toki.

**Officers:** Heidi Titcombe (Principal Solicitor).

#### 1 MEMBERSHIP

It was noted that Councillor Ian Adams had replaced Councillor Angela Harvey as Chairman of the Licensing Committee and paid tribute to all her hard work on the Committee and in respect of the Night Time Economy initiative. Councillor Melvyn Caplan had also stepped down, and Councillor Margot Bright had replaced him on the Licensing Committee.

#### 2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 3 MINUTES

3.1 Councillor Jacqui Wilkinson noted an error with the dates for the Council plans, corrected to 2014-2019. It was also noted that on page 4 there had been an incorrect spelling of licensing.

- 3.2 **RESOLVED:** That the minutes of the Licensing Committee meeting held on Wednesday 20 March 2019 be signed by the Chairman as a correct record of proceedings.

#### 4 LICENSING OVERVIEW SEPTEMBER 2019

- 4.1 The Licensing Committee received a report from Steve Rowe (Licensing Team Manager) which provided an overview of the Licensing Service over a period of two financial years. The report outlined the types of regimes and applications handled by the Licensing Service, team performance, significant trends and high-profile premises. Members were advised that over 8,000 applications per year had been received in the past two years and that there had been an 8% increase in the number of applications during the periods between 2017/2018 and 2018/2019. Members welcomed the Licensing Services' excellent performance on processing applications within 2 working days of receipt. Mr Rowe advised that currently key performance indicators (KPIs) are set at 90% and the performance attainment for these indicators during 2017 – 2018 was 92%.
- 4.2 Mr Rowe advised that there had been an 80% increase in the use of digital platforms following the E-Consultation and changes to the Licence Service Webpage. Members were advised that applicants were being encouraged to complete forms online and that support and guidance was provided during the application process. The Committee noted that there was a decline in the number of Sex Establishments Venues (SEVs) operating within the Borough and raised concerns over the rise of unlicensed SEVs. Members requested continual monitoring in this area and noted that information was being gathered by the Service. It was also noted that the Short-Let Teams and Neighbourhood Teams were involved in the exercise.
- 4.3 The Committee was advised that there was now a better deployment of portable toilet facilities alongside the Notting Hill Carnival route and that a free garden cleaning service was offered to residents. Officers advised that carnival generated large amounts of waste but that additional Veolia resources would be available to clean up following both days. The Committee was advised that applications for pitches at Strutton Ground Market had been received and these were to be considered at the Licensing Sub-Committee (LSC) on 19 September. Member's noted that the Market's 'mixed character' would be retained and the Committee would be provided with information about vendors. Members were pleased to note that Westminster City Council had been awarded a Gold Pawprint Award by the RSPCA for our Animal License regime.
- 4.4 Councillor Adams thanked officers for a clearly set out report and welcomed the KPI figures. He made further queries regarding the fully digital environment and what support license holders and new applicants would receive on the digital platform. Responding to the query, Steve Rowe informed the committee that the website had been adapted to make it more user friendly and his team was using the LSC meetings to speak with applicants and objectors where the service was highlighted. He explained that the Council was trying to promote more digital applications and help and

step by step guidance was offered. Councillor Adams suggested regular updates on the digital transition be provided to the committee. It was noted that licensing solicitors submitted the majority of applications and it was difficult to convince them to move to the digital platform.

- 4.5 Councillor Tim Mitchell thanked the officers for the report and made further queries regarding the application process. Andrew Ralph (Head of Licensing and Regulatory Service) addressed the Licensing Committee and explained that the Licensing Service used the Victoria forms, however they were looking at a more streamline, integrated system and he added that he was unaware of a national system. Councillor Mitchell commented on the national standardised online application processes for planning applications and felt that there should be something similar in place for licensing applications. Councillor Mitchell raised a further query regarding SEVs, advising that it would be useful to have officers' input on the effectiveness of the annual application process. Councillor Mitchell also noted the number of SEV venues and felt that there should be a review of SEV licensing. Annette Acik (Interim Director of Public Protection and Licensing) advised the Committee that officers were vigorously monitoring SEVs, however there was some sensitivity around the issue and a balanced approach was required.
- 4.6 Councillor Bright queried officers' thoughts on the pop up and short-term lettings of unlicensed SEVs. Ms Sara Sutton (Executive Director of Environment, City Management and Communities), addressed the Committee and advised that a number of complaints had been received and this was one of the reasons why they moved the Short-term Lettings Team across to the Public Protection and Licensing Team for a more multi-agency approach to managing such issues. Councillor Heather Acton noted the minutes from the last meeting advising that the Council was not yet a dementia city. Councillor Acton raised a concern regarding objectors attending LSC meetings and not having knowledge of the pre licensing service, and she also queried what action officers were doing to promote the service. Andrew Ralph responded to the query and explained that when objectors approached the service, they were always signposted to the service offered by the Westminster Citizens Advice Bureau led by Richard Brown.
- 4.7 Councillor Acton queried whether the advice could be added to the notice. Members noted that the text on the notice was set and would be difficult to change. Councillor Adams requested that officers review any supplementary information linked to signposting from the application form. Councillor Susie Burbridge raised a concern regarding the clarity of licensing reports and she felt that she often needed to flip back and forth through reports in order to understand the context and requested that officers proof read the reports. Councillor Burbridge queried the Windmill case and sought further information on what happened with the SEV application. Andrew Ralph advised the Committee that the new owner had withdrawn their Appeal and had not approached the council for a new SEV license.
- 4.8 Councillor Burbridge questioned the cost of street cleansing after concerts and events in Hyde Park and queried if this would continue to be a cost that the Council would pick up. In reply, Andrew Ralph advised the Committee

that this was an ongoing discussion with the Royal Parks. Annette Acik informed the Committee that the Council would always review how much this activity was costing and every opportunity would be taken to recover the costs. Sara Sutton added that this activity was demand led and balanced with the benefits to the local communities. She agreed to provide an update on cost of cleansing after concerts and events to the Committee.

- 4.9 Councillor Jacqui Wilkinson queried the figures in paragraphs 2.1 and 3.1, noting that under the Zoo Licensing Act there were a number of regimes under boarding sanctions, and she added that there was only one licensed boarding establishment in the borough and masses of unlicensed establishments. Councillor Jacqui Wilkinson raised a second query relating to performing animals, advising that from the number of complaints and emails she had received the issue was increasing and she felt these figures should be reflected in the report. Steve Rowe agreed that they would include these figures the next time the report is presented to the Committee. Members were pleased to note that Westminster City Council had been awarded a Gold Pawprint Award by the RSPCA for our Animal License regime.
- 4.10 Councillor Murad Gassanly queried the correct procedure for reporting on performing animals. Andrew Ralph advised the Committee that if an animal was in distress, then the RSPCA had powers to remove animals, and he added that animals were licensed a performing animal in their home borough. With regard to the cost of cleansing after events, Councillor Gassanly suggested that as a green city, the Council should work with organisers regarding waste reduction measures. Sara Sutton advised that this was something that the Council was already doing, however there needed to be more dialogue with organisers of demonstration events. Councillor Gassanly requested that further information be circulated to the Committee on new premises uses.
- 4.11 Councillor Jim Glen congratulated the Licensing Service on dealing with large numbers of applications and noted that there had been an overall increase in applications, but a decrease in applications for restaurants and cafés. Councillor Glen also noted a decrease in the number of applications going to the LSC meetings and queried why this might be. In reply, Andrew Ralph explained that it was a combination of officers working efficiently, working with applicants on model conditions and the Council's success rate in appeals, which meant applicants and their solicitors made sensible proposals. Councillor Peter Freeman agreed that the welfare of animals should be upheld and he had noticed an increase of animals around Selfridges. Councillor Freeman noted that late information circulated before LSC did not always provide enough detail. In reply, be Annette Acik advised the Committee that this was an issue that continued to be worked upon and regular discussions were held with the Senior Licensing Officers. It was noted the Licensing Service had lost around 50 % of its experienced officers and had spent the last year training new officers.
- 4.12 **RESOLVED:** That the report be noted.

## **5 Licensing Service Fee Review (Excluding Street Trading Regimes) August 2019 – July 2020**

- 5.1 The Licensing Committee received a report from Steve Rowe which set out the fee strategy for the licensing regimes, which enabled the Council to set fees to attempt to recover costs. The proposed fees would enable the Council to recover its own costs in administering and ensuring compliance within those licensing regimes. Members noted that the Licensing Service fee review was in line with the corporate timeframe for setting the Council's fees and charges and this enabled a standardised approach across the Council in this area. The proposed fees had been calculated on a full cost basis which considered both the direct and indirect costs associated with processing, monitoring and enforcing the licences, factoring in a 2% inflation increase.
- 5.2 Councillor Acton queried part B costs were not always added to part A costs. In reply, Andrew Ralph explained that part B was the enforcement cost and not all licensing regimes would have a degree of enforcement. Councillor Adams requested that future reports with spreadsheets were presented in a way that was user friendly for Members.
- 5.3 **RESOLVED:** That the proposed fees as attached to the report be approved and that they commence on 1 October 2019.

## **6. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**

- 6.1 Andrew Ralph provided the committee with a brief update on Notting Hill Carnival. He advised that there were no complaints regarding street urination, but the Council received a number of complaints regarding the location of the toilets. Councillor Adams queried the garden cleaning service and noted that a pressure washer service was made available this year for a fee. Andrew Ralph advised that there had been similar number of arrests as previous years, although due to the good weather the attendance was significantly higher, and the police viewed this as a huge success. It was noted that this was the second year for the new organisers, Notting Hill Carnival Ltd, who had made it very easy to engage with them as opposed to previous years. Members had a few queries regarding garden clean ups, but overall thought that this year was a success and thanks all officers involved for all their hard work.
- 6.2 Annette Acik provided the committee with a brief update on markets and advised that at the moment the Licensing Service was going through the permanent licensing process for Strutton Ground and once this was completed, the exercise would continue to another market. She advised that the Committee would be kept updated on this work.

## **7. FUTURE LICENSING COMMITTEE MEETING DATES**

- 7.1 It was noted that the next meetings of the Licensing Committee would be held on Friday 6 December 2019 and Friday 27 March 2020. All meetings were scheduled to start at 10.00am.

The Meeting ended at 12.07pm.

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

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