



City of Westminster

# Licensing Committee Report

<b>Date of Committee:</b>	25 July 2022
<b>Classification:</b>	General Release
<b>Title of Report :</b>	Licensing Policy Reviews Programme 2022/23 to 2024/25
<b>Wards Affected:</b>	All
<b>Decision Maker:</b>	Licensing Committee
<b>Financial Summary:</b>	None
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## 1. Introduction

- 1.1 This report provides an overview of the licensing policy review programme that officers will be undertaking over the next three years.

## 2. Recommendations

- 2.1 That the report be noted.

## 3. Background

- 3.1 The Council has a range of licensing policies that should be reviewed at regular intervals as best practice and a result of specific statutory requirements. Although the Council has kept policies up to date for the most frequently used licensing regimes, e.g. alcohol, late night refreshment and gambling policies other policies have not been updated for some time.
- 3.2 This report provides a summary of the proposed Licensing Policy Review Programme for the next three years. This programme is subject to change and there may be external factors, for example changes in legislation associated with existing or new licensing regimes, which may need to be accounted for within this programme which are, as yet unknown.
- 3.3, The programme of policy reviews are set out below along with the intended start date.

### Statement of Gambling Policy (July to November 2022)

- 3.4 The Gambling Act 2005 requires the Licensing Authority to prepare, consult on and adopt a statement of the principles (Gambling Policy) it will apply when exercising its functions under the Act.
- 3.5 The Licensing Authority undertook a review of its Gambling Policy in 2021. That review took the form of republishing the then current Gambling Policy to achieve the statutory deadlines associated with the review and to consult upon a completely new Gambling Policy.
- 3.6 Consultation on both proposals ended in October 2021. In November 2021, the Licensing Authority re-adopted its existing statement of principles to comply with the statutory requirements of reviewing every three years whilst allowing for a longer consultation on a full review of the policy.
- 3.7 The new Gambling Policy was further revised following comments made during the consultation phase. The new Gambling Policy will provide greater clarity and establish a host of new policies relating to the geographical area where they are located, the potential risk associated with operating a gambling premises in parts of the city and who could be affected and what the Council's expectations are on operators who wish to or do operate within Westminster.
- 3.8 Whilst the statutory deadline for reviewing the Gambling Policy is now not until November 2024, it is intended to seek approval to adopt and publish the new Gambling Policy by the end of this calendar year.

### Street Entertainment Licensing Policy (July 2022 – March 2023)

- 3.9 In April 2021 the Council introduced a new Street Entertainment Licensing policy under the City of Westminster Act 1999. The policy applies to performances by musicians, magicians, comedians, artists including street artists, dancers, acrobats and mime artists amongst other things.
- 3.10 When adopting the policy the Council committed to reviewing it after its first full year of operation. This review is about to take place and will look at the policy and whether there is a need to revise it in light of any views and issues that have occurred over the first year of operation.
- 3.11 The Street Entertainment Policy review will be conducted in four stages. Stage one will be an internal review of data and views from officers involved in the licensing process of ensuring compliance with the Street Entertainment licensing regime. Stage two will involve engagement with key stakeholders and interested parties to establish their views, data and potential options for improvements or revision within the policy. Stage three will be a non-statutory consultation that will request views and comments on a number of possible options associated with the scheme and the Street Entertainment Policy. Finally, stage four will, subject to the outcome of the first three stages, be the statutory consultation process and governance approach to adoption of a revised Street Entertainment Policy.

#### Street Trading Policy (November 2022 – December 2023)

- 3.12 The Council's Street Trading Policy outlines the Council's approach to street licensing and its standards for those engaged in street trading under the City of Westminster Act 1999.
- 3.13 The Street Trading Policy was last reviewed in 2012, despite there being no statutory deadline for reviewing it, due to the age of this policy it is proposed that it should be reviewed and updated.

#### Cumulative Impact Assessment (November 2022 – August 2023)

- 3.14 The Licensing Authority must produce a cumulative impact assessment (CIA) if the authority believes that the cumulative impact of licensed premises in part of the Licensing Authority's area is such that, granting further licenses would not promote the licensing objectives. The Licensing Authority should then have regard to any cumulative impact assessment. Westminster produced, consulted on and published its first CIA in 2020.
- 3.15 The Licensing Act requires the Licensing Authority to review the CIA and its conclusions at least every three years. The current CIA must be reviewed by October 2023

#### Statement of Licensing Policy (September 2023 – November 2024)

- 3.16 The Licensing Act 2003 requires the Licensing Authority to prepare, consult on and adopt a statement of the principles it will apply when exercising its functions under the Act. The Statement of Licensing Policy must be reviewed at least every five years. The Licensing Authority reviewed the Statement of Licensing Policy in December 2020. Further amendments were made in October 2021 to introduce policies to address emerging issues.
- 3.17 The statutory deadline for reviewing the Statement of Licensing Policy is October 2026. However, the last full review in 2020 was done in the context of the Covid-19 pandemic and its impact on licensed venues. Minimal changes to the policy were made to ensure regulatory consistency for venues. As such, It is proposed that a more detailed review is conducted before the statutory deadline, taking into account the updated CIA, which will be produced by November August 2023.
- 3.18 The Council may also develop new policies outside of those that already exist, any proposals will be presented to the Licensing Committee as and when appropriate.

#### Sex Shops and Cinemas and Sexual Entertainment Venues Policies (November 2024 – April 2025)

- 3.19 The Council's Sex Shop and Sex Cinema policy was last reviewed in June 1999. The policy is limited in its scope and effectively only establishes the

limitations on the number of sex shops and sex cinemas that can be granted within areas of the city.

3.20 The Sexual Entertainment Venues (SEV's) Policy was adopted in February 2012 and has not be revised since then. SEV's are classified under the Local Government (Miscellaneous Provisions) Act 1982 (1982 Act) as a sex establishment. Sex shops and sex cinemas are also categorised under the same legislation as sex establishments.

3.21 The review of these policies will seek to establish one policy that will cover all sex establishments under the 1982 Act. The policy will be brought up to date and look at the number and location where such applications should be permitted or restricted. The policy will also look at the key considerations that will be considered before determining such applications. We intend to take a modern approach to this policy to account for technological developments, the changing attitudes and views on pornography, sex toys, other sex articles and striptease, lap dancing entertainment. A key focus of this review will be on preventing crime and disorder, protecting children from harm and protecting performers.

#### **4. Financial Implications**

4.1 There are no financial implications arising from this report.

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

5.1 The Statement of Licensing Policy under the Licensing Act 2003 must be reviewed at least every five years, following consultation. Any proposed changes have to be considered and approved by Full Council of the Council.

5.2 Similarly, the Gambling Act 2005 requires that the Licensing Authority's Gambling Policy must be reviewed at least every three years, following consultation being carried out. If the Licensing Authority wishes to make changes to this policy the changes need to be considered and if appropriate approved by Full Council.

5.3 Licensing regimes under the City of Westminster Act 1999 (Street Entertainment and Street Trading) or Local Government (Miscellaneous Provisions) Act 1982 (sex Establishments) do not have statutory timeframes for the review and development of licensing policies. However, they do provide specific requirements associated with consultation and governance on developing and adopting new or revised policies.

#### **6. Carbon Impact**

6.1 It is believed that there is no carbon impact as a result of this report as this relates to the review of policies. The carbon impact of each individual policy will be assessed as part of that policy's review.

## **7. Consultation**

7.1 Each policy will be consulted on as part of its review.

## **8. Equalities Implications**

8.1 The Council must have due regard to its public sector equality duty under Section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

8.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

8.3 The Council believes there are no direct equalities implications arising from this report. An Equalities Impact Assessment will be undertaken as part of each policy review.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

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