



City of Westminster

Licensing Committee Report

Date of Committee:	25 July 2022
Classification:	General Release
Title of Report :	The Performance of the Licensing Service
Wards Affected:	All
Decision Maker:	For information
Financial Summary:	None
Report's author:	Steven Rowe and Rebecca St Rose, Licensing Managers

1. Introduction

- 1.1 This report sets out an overview of the Licensing Service over a period of 2 financial years. The report will set out the types of regimes and applications covered by the Licensing Service, team performance, significant trends and high-profile premises.

2. Recommendation

- 2.1 That the Committee notes the report.

3. Licensing Regimes

- 3.1 The Licensing Service deals with applications received over approximately 25 different licensing regimes. The majority of applications received by the Licensing Service are governed by the Licensing Act 2003, including those, but not limited to, temporary event notices, new premises licence applications and applications to transfer the premises licence holder. Other legislation is frequently utilised by the Licensing Service covering the broad and vast range of licence applications it deals with, namely:

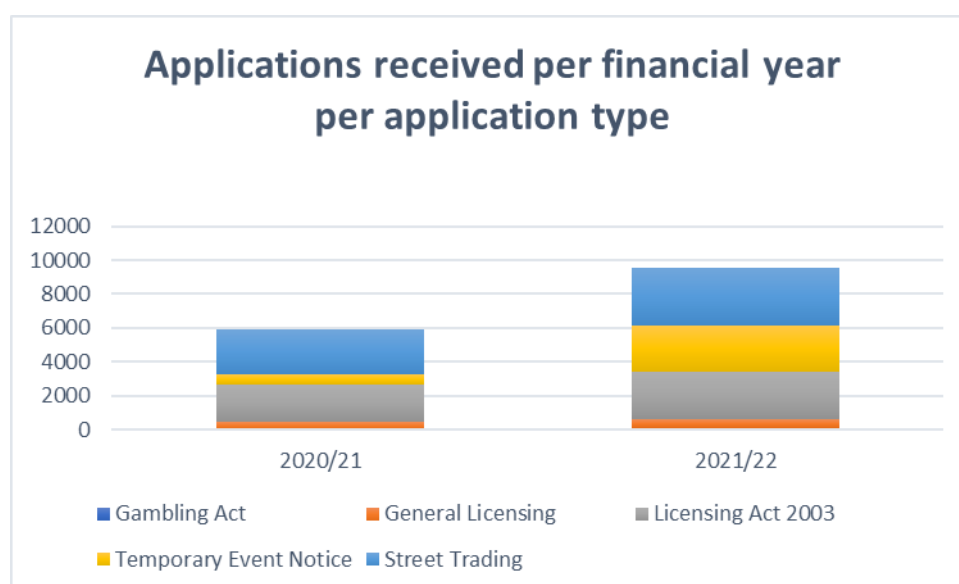
- Gambling Act 2005: including casinos and betting shops.

- London Local Authorities Act 1991/2000: including massage and special treatment premises.
- Zoo Licensing Act 1981 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018: including ZSL London Zoo and regulating other animal regimes such as dog boarding establishments, performing animals and pet shops.
- The Marriage and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011
- City of Westminster Act 1999: regulating street trading applications and activity, including the designation of pitches in Westminster's markets, as well as isolated pitches where street trading is permitted.
- Business and Planning Act 2020: Permits local authorities to authorise the premises to place tables, chairs and other furniture on the public highway without the requirement for planning permission. Legislation that was created in response to the pandemic.
- Local Government (Miscellaneous Provisions) Act 1982: regulating the licensing of sex establishments, sex shops and sexual entertainment venues.

4. Applications received by the Licensing Service

- 4.1 Prior the pandemic the Licensing Service received over 8000 applications per year. The trend was approx. an 8% increase in applications received. Compared to previous years during 2020/21 the Licensing Service received 5895 applications. Notably there was a huge reduction in the number of Temporary Event Notices which are usually in their thousands, down to 573.
- 4.2 Since restrictions were lifted the Licensing Service has seen a significant increase in applications received and during 2021/22 the total number of applications received was 9546. The numbers of applications received this financial year has evened out as expected with 1944 applications being received within the first 3 months.

- 4.3 The graph below shows the number of applications received per financial year per application type for the years 2020/2021 and 2021/2022.



- 4.4 For the purposes of this report, General Licensing includes applications for massage and special treatment premises, sexual entertainment venues, explosives, auctions and film classifications.
- 4.5 The table below shows the actual number of applications received per financial year supporting the information provided in the graph above.

Financial Year	Total Number of Applications Received	Application Types				
		Gambling Act	General Licensing	Licensing Act 2003	Temporary Event Notice	Street Trading
2020/21	5895	33	433	2194	573	2662
2021/22	9546	46	539	2805	2775	3381

Pavement Licences and Tables and Chairs Licences

- 4.6 In July 2020, the Business and Planning Act 2020 was introduced by the Government. The Act introduced a new 'pavement licence' scheme so that operators of businesses selling food and drink could apply to their local authority for authorisation to put removable furniture such as tables and chairs on the highway in front of or adjacent to their premises so that their customers could eat and drink outside their premises to aide social distancing.

- 4.7 The number of applications for pavement licences increased by 18% from the previous year with the extension of the Business and Planning Act 2020 until September 2022, with a total number of 1794 applications received between April 2021 and March 2022.

5 Team Performance

- 5.1 The Licensing Service has an internal key performance indicator of processing applications within 2 working days of receipt. Over the last 2 financial years, more than 90% of applications were processed within this deadline.
- 5.2 The table below shows the total number of applications received by the Licensing Service year on year, as well as the number of those applications to have been processed within 2 days of receipt.

Financial Year	Total Number of Applications Received	Number of Applications Processed Within 2 Days of Receipt	Percentage of Applications Processed Within 2 days of Receipt
2020/2021	5895	5718	97%
2021/2022	9545	9259	97%

- 5.3 Considering the significant increase in applications received from 2020/21 to 2021/2022 as detailed above, the Licensing Service is encouraged by its ability to maintain its performance of processing at 97% with an increase of 3650 applications. This is also very positive given the operation of the Licensing Service had a decrease in staffing levels.
- 5.4 Furthermore, in order to ensure the continual provision of a high level of customer service and satisfaction, the Licensing Service also focuses on ensuring effective consultation on all applications received and determining applications within its legislative deadlines.
- 5.5 To support the above, the Licensing Service has improved its focus on issuing licences within our internal deadlines of 14 and 28 days, depending on the type of licence regime and application. The Licensing Service is embedding a change in mindset of the team by outlining the importance of issuing licences. It is envisaged that the Licensing Service will see a substantial improvement in the percentage of licences issued within the above deadlines over the coming financial year as a direct result of this change.

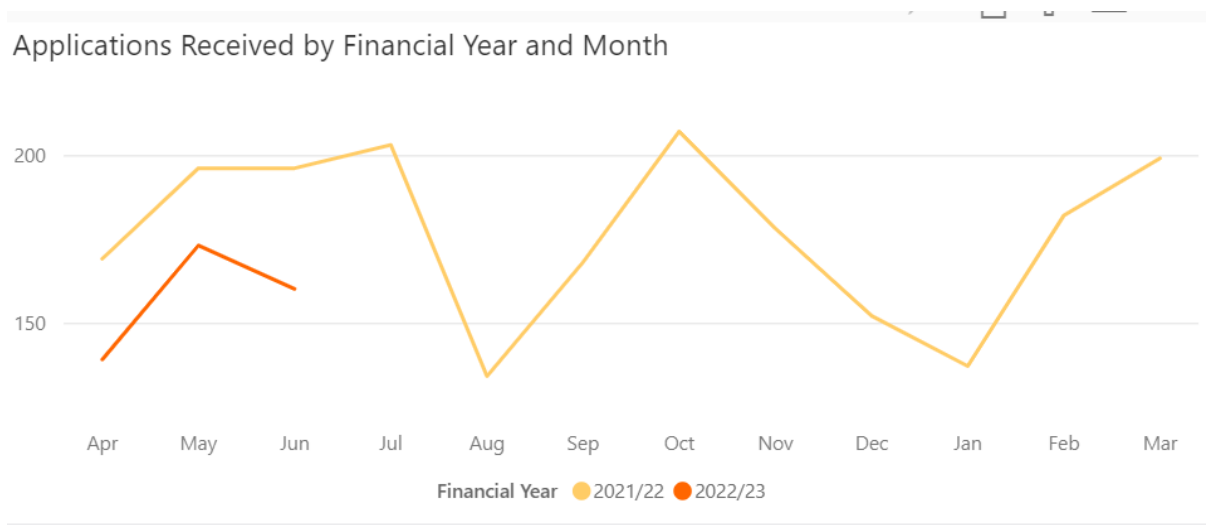
Role of the Licensing Authority

- 5.6 The Licensing Authority takes an important role throughout the consultation of applications; specifically, those for new and variations of premises licences for premises located within the cumulative impact areas and contrary to the Council's Statement of Licensing Policy. In 2021/2022, the Licensing Authority raised over 150 representations to these types of applications.

- 5.7 Given the percentage increase of applications received by the Licensing Service year on year, it is predicted that there will also be a correlated increase in the number of representations raised by the Licensing Authority.
- 5.8 The role in raising representations in accordance with the policy enhances the awareness and expertise of Senior Licensing Officers in regard to the locality, operation and management of licensed premises within Westminster. In turn, this provides Licensing Sub-Committee Members and Ward Councillors with policy expertise in the absence of a regular policy advisor at the Licensing Sub-Committee hearings. It also develops the internal and external profile of the officers involved and allows for further communication with applicants, local residents and other interested parties.
- 5.9 Over the last two years the Licensing Service has focussed on providing a mediation service for applications. The Service recognised that a number of the applications being determined by the Licensing Sub Committee could be dealt with out of the forum through conversations with the applicants and interested parties. The Service has therefore put conciliation at its forefront and carries out mediation at an early stage in the process to allow everyone to state their concerns and then the Service facilitates a structured process between all parties which has resulted in around a significant number of applications being determined under delegated authority rather than going before Members. This is resource intensive for the Licensing Service, but the result of this hard work is a reduced number of cases going to Sub-Committee unnecessarily which had been causing a waste of time and money to those involved. Feedback from interested parties and applicants has been extremely positive and the Service will be continuing to push forward with this in the future.
- 5.10 Officers within the Street Trading Team have expanded their role by working collaboratively with the market development team to enhance the market offering in the city. This has encouraged and supported traders back to the markets since the pandemic. By recognising the impact on traders, the Team has offered more casual trading so that residents and small businesses can try different markets bringing the flurry of business back to the streets for all to enjoy. The team have also begun licensing Rupert Street Market which had remained vacant since the expiry of the previous operator's licence. Working with the market development team to facilitate night time market events to increase footfall and exposure to the market and its traders.

6 Licensing application trends

- 6.1 The Licensing Service had received applications on a consistent trend year on year. The impact of the pandemic resulted in far less applications being received in the year 2020/21. Since restrictions have eased and the city is returning to a new 'normal' applications received have started to form a trend as per previous years. The graph below indicates the number of applications received each month for the years 2021/2011 and the current number of applications received this financial year 2022/2023 so far.



- 6.2 Just like previous years before the pandemic the Licensing Service expect a high volume of applications are received in the months of October and November, which is reflective of temporary event notices applied to take place in the month of December and January for Christmas and New Year events. Between October and November 2021, the Licensing Service received over 1072 Temporary Event Notice applications.
- 6.3 The Government is aiming to make the new pavement licences regime permanent in the Levelling Up and Regeneration Bill and the Service will expect the numbers of applications received to continue each year.

7 Trends and Projects

New IT system

- 7.1 Working with Farthest Gate Limited on the design and implementation of new licensing software, Liberator, fondly referred to as Libby. A new customer focused system which puts the customer in charge of their information and gives officer real-time licence/trader information out and about on any device. The team have so far rolled out the new software to all market traders for all types of street trading applications and more recently pavement licences and Business As Usual (BAU) tables and chairs applications to agents and businesses. This included giving personal training to traders, city inspectors, EHO's, highways planning and solicitors. The next phase of the design is to integrate finance onto Libby which will allow the customer to have access to their invoices and payments. This will also negate current practice of a manual invoice upload. It is hoped that Liberator will be rolled out to Premises Licensing sometime in 2023.

Debt Collection Street Trading

- 7.2 The end of lockdown saw a steep rise in monies owed to the street trading account. The decision had been made that there be a freeze on any form of debt collection during the 2 years of the Pandemic. There was a big drive to contact customers offering advice re. their account and offering ways to reduce their debt and/or to avoid incurring further charges. This included telephone consultations and face to face meetings to arrange payment plans, to discuss reducing days of trading as well reducing trading to one pitch rather than two. To date there are 48 payment plans in place.
- 7.3 Where agreement was unable to be reached, the licensed trader was referred to Licensing Officer Panels, to date 6 licences were revoked for failing to pay fees associated with their street trading account.

Annual Fee Retrieval Licensing Act 2003

- 7.4 As with street trading the end of the pandemic highlighted that a number of licensed premises had not paid their annual fees. It soon became apparent that there were a number of premises who had not paid their annual fees for a number of years. The Premises Licensing Team has therefore focussed on collecting historic debt for unpaid annual fees. It is hopeful that by the time the new financial year for 2023/24 comes in that all unpaid annual fees will be accounted for either through payment or suspension of licences.

8 Westminster Responsible Authorities Group

- 8.1 The Westminster Responsible Authorities Group (WRAG) is a fortnightly meeting attended by representatives of the responsible authorities (e.g., Environmental Health, Metropolitan Police, Licensing Authority, City Inspectors from all areas, and the Home Office) and chaired by the Licensing Service. Its purpose is to identify applications or premises of concern and develop a joint approach between the authorities.
- 8.2 The discussion features on any high profile or high-risk premises which may have applications scheduled for Licensing Sub-Committee, are proposing changes which may attract interest from relevant parties or have come to the attention of the Licensing Service by way of concern.
- 8.3 The WRAG is used as a platform to create a single point of contact between the area-based City Inspector teams and the Licensing Service. This allows for effective and efficient communication of information on high profile and problematic premises within Westminster.

9. High Profile cases and Events

- 9.1 Men's EUROs 2020 football tournament

To celebrate the postponed Men's EUROs 2020 football tournament, the service licensed a special fan zone in Trafalgar Square in June 2021 to screen all of England's football matches, as well as the semi-finals and final. The

Licensing Service worked collaboratively with other responsible authorities and the Greater London Authority to provide a space to screen the games with the aim of encouraging Londoners and visitors back into central London as part of the recovery from the pandemic. Whilst being a socially distanced event and operating within the parameters of COVID-19 restrictions, the fan zone was recognised in the national press as a success and the service is now working with the Greater London Authority for a fan zone site for the Women's EUROs 2022 football tournament starting in July.

9.2 British Summer Time

The British Summer Time concerts are back bigger and better than ever before. Following the grant of a variation application to change the number of days and weekends the event can take place over in 2021, BST is now taking place across 3 weekends with 9 concert days featuring legendary headliners, as well as a variety of food and drink stalls.

9.3 Queen's Platinum Jubilee

The Queen's Platinum Jubilee was an exciting opportunity for the Licensing Service to work with a variety of stakeholders including the Department for Culture, Media and Sport (DCMS), the Royal Household and the BBC, to name just a few. A licence was granted to the DCMS to cover licensable activities from Thursday to Sunday to cover a range of planned events. A large concert featuring some of the world's biggest music stars took place on the Saturday outside Buckingham Palace with spectator viewing down The Mall and around Trafalgar Square and Parliament Square. On the Sunday, a pageant took place around St James' Park celebrating all of what the country and Commonwealth has to offer, as well as organised and licensed street parties taking place in certain parts of the city. It was an amazing weekend of celebrations, and the Licensing Service played a pivotal role in ensuring all the relevant and necessary licences were in place for the events to run smoothly and successfully.

9.4 Notting Hill Carnival

2022 will see the return of Notting Hill Carnival for the first time since 2019. Notting Hill Carnival takes place over the August bank holiday weekend and is expected to draw one of the largest crowds ever experienced before. Stakeholder meetings are taking place between the Licensing Service, the Events & Filming team and the teams at Kensington & Chelsea to monitor applications for premises licences, temporary event notices and temporary street trading licences.

9.4 Ma Dames, 58 Porchester Road

Ma Dames, a nightclub operating at 58 Porchester Road, had its licence revoked following a review application submitted by the Licensing Authority on the grounds of public nuisance. High levels of noise nuisance and anti-social behaviour were taking place outside the premises and in nearby residential

streets which resulted in an increase of noise complaints and concerns over the hours of operation of the premises. The review application was heard by a Licensing Sub-Committee who determined that, based upon the evidence presented by the Licensing Authority, the Police, Local Ward Councillors, Amenity Societies and local residents, the licensing objectives were not being promoted by the operator and that it would be appropriate and proportionate to revoke the licence, remove the designed premises supervisor and the sale of alcohol with immediate effect. This was a fantastic result for the Licensing Authority given the hard work of officers throughout the review process, and prior mediation sessions with the venue and residents.

9.5 London Zoo

London Zoo is the world's oldest scientific zoo. With over 1.2 million visitors a year, ZSL London Zoo is one of the Licensing Service's most high-profile venues. Licensed under the Zoo Act 1981, London Zoo also has the benefit of a premises licence, an explosive licence for its marine flares and flash bangs and is an approved premises for marriage and civil partnerships. The Licensing Service receives numerous Freedom of Information requests in relation to the zoo and has a stringent inspection regime under the Zoo Act 1981 which requires annual inspections.

10. Financial Implications

101 There are no financial implications from this report.

11. Legal Implications

11.1 There are no legal implications from this report.

12. Equality Implications

12.1 S.149 of the Equality Act 2010 places a duty on local authorities to have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity between people who share a protected characteristic and to encourage good relations between those who share a protected characteristic and those who do not. The Council has had due regard to this duty when receiving, processing determining and issuing licences.

If you have any queries about this report or wish to inspect any of the background papers, please contact:

Mr Steve Rowe or Ms Rebecca St Rose - Licensing Managers