



Date of Committee:	22 March 2023
Classification:	General Release
Title of Report:	The Performance of the Licensing Service
Wards Affected:	All
Decision Maker:	For information
Financial Summary:	None
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1. Introduction

- 1.1 This report sets out an overview of the Licensing Service during the last financial year compared to the year before. The report sets out the type of regimes and applications covered by the Licensing Service, team performance, significant trends and high-profile applications.

2. Recommendation

- 2.1 That the Committee notes the report.

3. Licensing Regimes

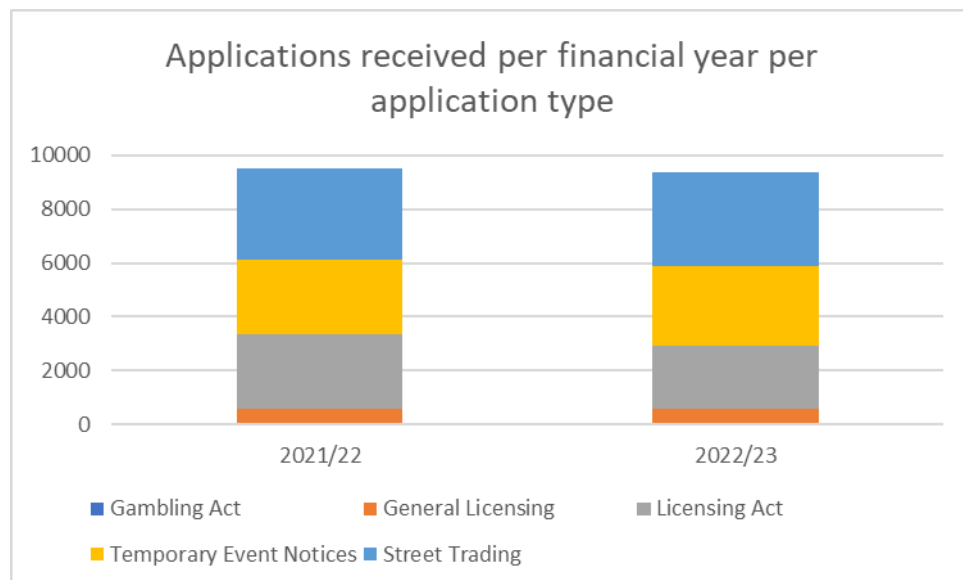
- 3.1 The Licensing Service deals with applications received over approximately 25 different licensing regimes. Most applications received by the Licensing Service are governed by the Licensing Act 2003, including temporary event notices, new premises licence applications and applications to transfer 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 Typically, the Licensing Service has been receiving over 8000 applications per year. However, over the last two financial years there has been a slight upward shift in the trend as the Licensing Service has received over 9000 applications in both years.
- 4.2 The number of applications received this financial year are analogous to last year's figures with 9506 and 9363 applications received.
- 4.3 The graph below shows the number of applications received per financial year per application type for the years 2021/2022 and 2022/2023.



- 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
2021/22	9506	43	535	2773	2774	3381
2022/23	9363	29	538	2372	2954	3470

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. In Westminster, these licences are renewed every six months. They have now taken over from the old Tables & Chairs Licence under the City of Westminster Act 1999.
- 4.7 Changes in leadership in central government caused a delay in the consideration of the Levelling Up and Regeneration Bill which will make pavement licensing the permanent licensing regime for alfresco dining and the placement of furniture on the highway. This Bill is now in the Committee Stage in the House of Lords and it is hoped that this will receive Royal Assent by the Autumn of 2023. The Business & Planning Act is currently scheduled to expire on 30 September 2023.

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 97% 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 that were 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
2021/2022	9506	9221	97%
2022/2023	9363	9081	97%

- 5.3 At the time of publishing this report the current financial year had not come to an end and therefore by looking at the trend over the last financial year it is predicted that the service will receive a further 700 applications. This will then surpass last years figures and so the Licensing Service is encouraged by its ability to maintain its performance of processing at 97%. 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 has embedded a change in mindset of the team by outlining the importance of issuing licences. As a result, there has been an improvement in the percentage of licences issued within the deadline set.

Role of the Licensing Authority

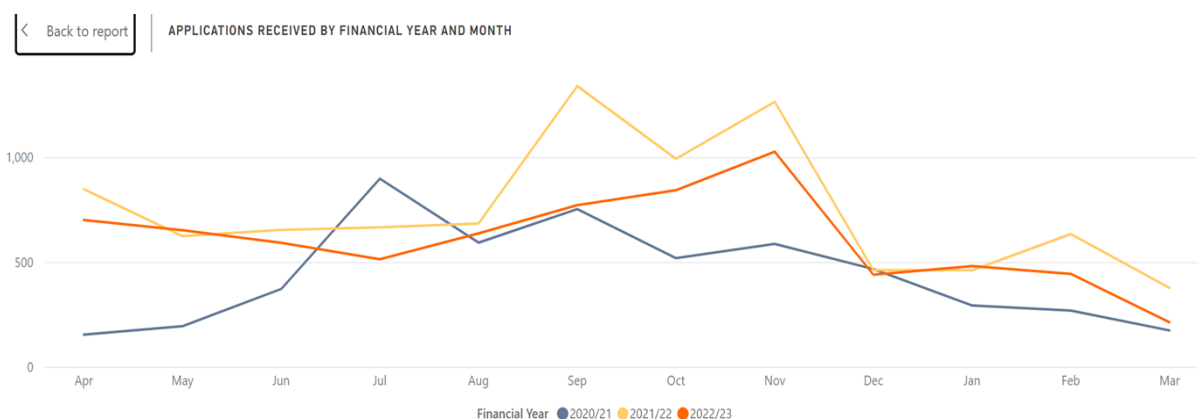
- 5.6 The Licensing Authority takes an important role throughout the consultation of applications; specifically, those for new and variations of premises licences for premises located within the cumulative impact areas and contrary to the Council's Statement of Licensing Policy. In 2022/2023, the Licensing Authority raised over 100 representations to these 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. 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 The Service continued its mediation service over the last year, recognising that through liaising with applicants and interested parties, a number of applications could be dealt with through delegated authority rather than needing to be scheduled at a Licensing Sub-Committee. This is resource intensive for the Licensing Service, but results in a reduced number of cases going to Sub-Committees, therefore reducing the cost and speeding up the process for these applicants. Feedback from interested parties and applicants continues to be extremely positive and the Service will be continuing to push forward with this in the future.
- 5.10 During the pandemic the Licensing Sub Committees were virtually, and this had a significant impact on the number of cases that could be listed at each committee. This resulted in a backlog of cases which caused issues for not only the operators who were trying to open during difficult times, but also put a strain on resources for the Service trying to get back on track after the restrictions were lifted. With the support of the Chair of Licensing and the Committee Members and working with colleagues in Committee Services and Legal, the backlog has been cleared and the Service is back to meeting statutory timeframes and determining cases at LSC within the required periods.
- 5.11 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. In efforts to encourage traders to feel more included as part of the Community, the team now arrange to meet new traders on their first day of trading to introduce them to the area City Inspector and show them where they are expected to trade and answer any questions that they have. The team has also visited the various markets and have spent time in Church Street meeting with traders to help support any questions or queries around casual booking or finance.

6 Licensing application trends

- 6.1 The Licensing Service receives applications on a consistent trend year on year. The graph below indicates the number of applications received each month for the years 2021/2022 and the current number of applications received this financial year 2022/2023.



- 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. In the build up to Christmas and New Year 2022 the Licensing Service received over 1100 Temporary Event Notice applications.

7 Trends and Projects

New IT

- 7.1 The Street Trading team continue to work with Farthest Gate Limited on the design and implementation of new licensing software, Liberator. Recent developments include the creation of an entirely new online booking system for casual trading. This is a bespoke design for Westminster City Council that allows casual traders to book their own casual pitches and manage their own accounts.
- 7.2 The team are progressing into Phase 2 where the remaining licensing types for Street Trading Events, Loudspeaker consents and Leicester Square portrait artists will be moved onto the new system. Part of this phase of the design is to integrate finance onto Liberator 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 expected that Liberator will be rolled out to Premises Licensing at a date to be determined in 2023.

Debt Collection Street Trading

- 7.3 The Senior Licensing Officers continue to meet with traders to keep on top of their street trading accounts. Where traders have fallen behind with their invoice payments, the team support them to clear their debts in the shortest, most manageable way. This is through telephone consultations and face to face surgeries to arrange payment plans, to discuss reducing days of trading as well reducing trading to one pitch rather than two.
- 7.4 Where this mediation is unsuccessful, the licensed trader is referred to Licensing Officer Panel, and this year 12 licences have been revoked for failing to pay fees associated with their street trading account and failing to make full personal use of their street trading licences.

De-designation and variation of designation for Isolated Pitches

- 7.5 During the last 12 months, the Street Trading team has recommended the rescinding of the designation of 3 isolated pitch traders in the Oxford Street area. These were instigated by the traders and their representative body, WESTA. The council is supportive of such requests when received as they

are in line with MR1.6 of the City Council's Mayfair Neighbourhood Plan 2018-2038 which specifies that "Stand alone retail "huts" such as exist in the side streets along Oxford Street are not supported and opportunities to remove or relocate them should be taken." It is anticipated that further requests are likely to be received in future.

Annual Fee Retrieval Licensing Act 2003 and Data Cleansing

- 7.5 Historically, there are a number of licensed premises that have not paid their annual fees. Therefore, the Premises Licensing Team have continued collecting historic debt for unpaid annual fees. In addition to chasing the fees the team has also been able to data cleanse the files and ensure that information held is accurate in readiness for the new IT system. There have been a number of premises licences suspended as part of the process.

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 collaborative approach between the authorities.
- 8.2 The discussion focuses 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 Kings Coronation

The Licensing Service are currently dealing with two applications for licences to support the weekend of celebrations for His Majesty The Kings coronation from 6th May through to 7th May. This an exciting opportunity for the team to work with a variety of stakeholders including the Department for Culture, Media and Sport (DCMS), Environmental Health and the Police. A Premises Licence has been applied for by DCMS to cover licensable activities to take place in two locations, Hyde Park and the Mall and Horse Guards Parade. Provision is made within each application for facilities to enable the sale of alcohol within the areas covered by the licences, as well the full range of regulated entertainment to facilitate the celebrations and covering a range of planned events. It is anticipated that it will be an amazing weekend of celebrations, with the Licensing Service playing a pivotal role in ensuring all

the relevant and necessary licences are in place for the events to run smoothly and successfully.

London Zoo

- 9.2 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.

Notting Hill Carnival

- 9.3 In 2022, Notting Hill Carnival returned to the streets of Westminster. The Council supports carnival by allocating temporary street trading pitches on two street in the west of the city, Westbourne Park Road and Talbot Road. In total, there are 43 pitches available for the two days of carnival. The majority of these pitches provide hot food and the window for applications for this year's carnival opens in April.

- 9.4 RSPCA Paw Print Awards.

Once again, the Service has been successful in obtaining a silver award for its animal licencing regimes. This relates to the management of animal welfare.

10. Financial Implications

- 101 There are no financial implications from this report.

11. Legal Implications

- 11.1 The legal implications are contained within the body of 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 Andrew Ralph – Head of Licensing and Regulatory Services