



City of Westminster

Licensing Committee Report

Meeting:	<i>Licensing Committee</i>
Date:	<i>19 November 2014</i>
Classification:	<i>For General Release</i>
Title:	<i>Licensing Act 2003 – Statement of Policy Review</i>
Wards Affected:	<i>All</i>
Financial Summary:	<i>None</i>
Report of:	<i>Director of Strategy and Communications</i>

1. Executive Summary

- 1.1 This report advises the Committee of the forthcoming review of the Statement of Licensing Policy under the Licensing Act 2003.

2. Recommendations

- 2.1 That the Licensing Committee note and comment on the report.

3. Background

The Licensing Act 2003 (the Act) regulates licensable activities at premises in the city. Licensable activities are:

- The sale by retail of alcohol
- The supply of alcohol at a members club
- The provision of regulated entertainment, including live and recorded music, indoor sports, films and plays.
- The provision of late night refreshment i.e. the provision of hot food and hot drink between the hours of 23.00 and 05.00.

Section 4 of the Act requires the licensing authority to carry out its functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In carrying out its licensing functions a licensing authority must also have regard to its statement of licensing policy, and guidance issued by the Secretary of State.

Section 5 of the Act requires a licensing authority to prepare and publish a statement of licensing policy at least every 5 years. During this period the policy must be kept under review and the licensing authority may make revisions to its policy in order to promote the licensing objectives.

Scope and timetable of the Review

The policy review will cover all aspects of existing policy which may be raised during the public consultation period, but is proposed to have 4 specific elements as follows:

1. Update the policy to acknowledge and reflect changes in licensing legislation.

This will include the establishment of Sexual Entertainment Venue (SEV) licensing, the introduction of the Live Music Act, EMROs and Late Night Levy, and the designation of Public Health as a Responsible Authority under the Act.

2. Update the evidential base on which the policy is based.

This will include assessing existing evidence sets, such as police crime data and noise nuisance complaints, as well as adding other relevant data where this is

available. This may include LAS emergency call-out data, Emergency Department Hospital data or data relating to anti-social behaviour patterns.

It may also include an update of demographic and licensed premises data both in total, by premises type and geographic spread, where this data is available.

Recently commissioned research into the evening and night time economy (ENTE) will be significant, as will the extent to which the council can overcome the challenges of data sharing with other stakeholders in the ENTE.

3. Assess policy issues which have been identified by stakeholders in the licensing process.

This will include comments from the licensing committee and officers in licensing, police, public health, environmental health, trading standards, planning and city management. It will also include issues raised by licensed businesses and resident groups and individuals, including for example a review of stress area boundaries.

4. Assess policy issues against corporate policy aims and objectives.

This will take into account possible contributions to developing Better City Better Lives, and take into account other policy development in the city, for instance the City Plan, and recommendations of the West End Commission. It is essential that licensing policy is integral to, and consistent with, other policies for the city, both in the West End and other parts of the city. This will include Westminster policies relating to crime reduction, planning, tables and chairs, drug abuse, childrens' services and public health, and policies developed with partner organisations and other stakeholders. These will include joint protocols with the police, or policy development in conjunction with the Mayor, BIDs, TfL, and other local authorities. Although responsibility for the publication of the statement of licensing policy falls within the portfolio of the Cabinet member for Public Protection, the implications of the policy, however, impinge on the majority of cabinet member portfolios.

Proposed timetable

The proposed timetable for the review of the licensing policy is:

26 August 14	Briefing on scope of review	SEB
Sept 2014	Briefing and discussion	Cabinet member and Chairman of Licensing Ctte
8 October 14	Briefing and discussion	Licensing Committee
Nov/Dec 2014	Drafting of consultation documents	Chris Wroe
Dec 2014	Sign off of draft consultation documents	Cabinet member in consultation with Chairman of Licensing Ctte and Cabinet

Dec/Jan 2014 to Feb/March 2015 (12 weeks)	Formal Public consultation, to include meetings with resident association representatives, Westminster Entertainment Forum meetings and representatives of licence holders.	Chris Wroe
March/April 2015	Assessment of consultation responses and draft statement of policy prepared	Chris Wroe
May 2015	Approval of draft statement of policy	Cabinet member in consultation with Chairman of Licensing Cttee and Cabinet
20 th May 2015	Adoption of revised statement of policy	Council
1 June 2015	Publication of revised statement of policy	Chris Wroe

Financial and Legal Implications

Funding of licensing policy development under the Act is currently largely funded out of revenue budget in City Planning. This responsibility is however subject to an ongoing central government review of licensing fees. Government are currently assessing consultation responses to proposals to give local authorities greater freedom to set fees at a level to cover licensing costs, and the government response to the consultation is awaited.

Legal implications are set out in this report.

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Chris Wroe, Licensing Policy and Strategy Manager on 020 7641 5903 or email cwroe@westminster.gov.uk.

BACKGROUND PAPERS

Licensing Act 2003

Amended Guidance issued under section 182 of the Licensing Act 2003 - June 2014