

23 October 2007

Cllr Audrey Lewis  
Westminster City Council  
City Hall  
64 Victoria Street  
London SW1E 6QP

Dear Cllr Lewis

### **Draft Revised Statement of Licensing Policy**

I recently attended a meeting of the Westminster Entertainment Forum (WEF) on behalf of Westminster Licensees Association (WLA) at which the recent consultation on the draft revised statement of licensing policy was discussed. I am now in receipt of the Licensing Committee Report dated 24 October which reiterates the points made at that meeting and sets out the steps taken to fulfil the requirements under the Licensing Act 2003 for full consultation with affected parties on local licensing policy statements.

We believe that the conduct of the consultation in this instance has been below the standards required under the Licensing Act 2003. In particular, we are concerned that consultation with premises licence holders and bodies representing their interests was inadequate. Unlike the proactive approach to consultation with local residents, it was reactive, and relied largely on individuals tracking and monitoring the Council's own website. Many licensees with Westminster remain unaware that the Council is in the process of revising its licensing policy.

Our specific concerns are set out below:

- **Consultation with individual premises licence holders:** the Council restricted its proactive consultation with those companies with the largest number of premises licences in the Borough. This left many sizeable individual outlets and businesses excluded from the process, not to mention the independent sector. The largest businesses are not representative of premises licence holders across the borough as a whole and their concerns and views may equally not be representative. Equally, consulting lawyers representing premises licence holders is not an adequate substitute for consulting with affected businesses. Not one of the WLA Council members received a separate and specific notice of the consultation. This is in direct contrast to the approach adopted in neighbouring boroughs where individual licence holders have been written to separately.

In contrast, a dedicated seminar was held to solicit the views of individual residents. There was no opportunity for proactive consultation with individual licence holders.

- **Consultation with bodies representing premises licence holders:** the WEF is not, in and of itself, a body representing premises licence holders. Those trade bodies which are represented on the WEF received proactive notification of the consultation through the agenda of the WEF meeting scheduled for 20 September. In the case of the WLA secretariat, this was only received 2 weeks before the deadline for submissions. The national trade bodies – the British Beer and Pub Association, the Association of Licensed Multiple Retailers and the British Hospitality Association – were not proactively consulted despite having registered their interest as statutory consultees in 2004. As far as we are aware, the WLA was the only trade body formally contacted during the consultation process, but then only as a member of the WEF. Equally, many lawyers were not included in the licensing authority's mail out. The list of bodies representing licence holders appears to have been arbitrary.

In contrast, the licensing authority proactively sought the views of over 100 resident and amenity groups in addition to those representing the interests of individual residents such as local councilors.

- **Lack of timely consultation:** the consultation period was extremely short, falling below the 12 week standard of best practice set by national Government. Given that many consultees did not receive papers for 2 weeks, the time for meaningful dialogue was significantly truncated.

Again, in contrast to the seminar for residents, held mid way through the consultation process, debate with the trade in the WEF was held just one day before the formal close of the consultation period.

In summary, we believe that these concerns mean that the consultation process on which the revised policy is based is inadequate and fatally flawed. In particular, it means that the results of the consultation are skewed towards the views and concerns of residents because they have been afforded the greatest opportunity to present them. As a result, we believe that any policy adopted on the basis of the above would be rendered open to challenge.

We are also concerned that the revised policy document as a whole has not been subject to public consultation. Whilst the substantive changes were outlined in the consultation document, there are nuances in the way in which policy is being amended and manipulated which we would have wished to have commented on. In particular we would have welcomed the opportunity to comment on the model conditions being proposed for the first time. We note, for example, that the Executive Report to the Committee gives a very broad brush view of the industry's detailed representations and in some cases misrepresents the thrust of our arguments.

We would ask that these concerns be taken into account at the forthcoming meetings of the Licensing Sub-Committee and Cabinet when the revised policy is discussed.

Yours sincerely

**Kate Nicholls**  
**Secretary, WLA**