

# Licensing Committee

## Agenda

Tuesday 25 June 2019

7.00 pm

Small Hall - Hammersmith Town Hall

### MEMBERSHIP

Administration	Opposition
Councillor Natalia Perez (Chair) Councillor Fiona Smith (Vice-Chair) Councillor Colin Aherne Councillor Wesley Harcourt Councillor Rachel Leighton Councillor David Morton Councillor Zarar Qayyum Councillor Matt Uberoi Councillor Asif Siddique	Councillor Victoria Brocklebank-Fowler Councillor Frances Stainton Councillor Matt Thorley

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Date Issued: 17 June 2019

# Licensing Committee Agenda

25 June 2019

<u>Item</u>		<u>Pages</u>
<b>1. MINUTES</b>	To approve as an accurate record, and the Chairman to sign, the minutes of the meetings of the Committee held on 26 June 2018 and 27 March 2019.	3 - 9
<b>2. APOLOGIES FOR ABSENCE</b>		
<b>3. DECLARATIONS OF INTEREST</b>	<p><i>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</i></p> <p><i>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</i></p> <p><i>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</i></p> <p><i>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</i></p>	
<b>4. ANNUAL LICENSING TEAM UPDATE</b>		10 - 26

London Borough of Hammersmith & Fulham

## Licensing Committee Minutes



Tuesday 26 June 2018

### **PRESENT**

**Committee members:** Councillors Natalia Perez (Chair), Fiona Smith (Vice-Chair), Colin Aherne, Rachel Leighton, David Morton, Zarar Qayyum, Matt Uberoi, Asif Siddique, Victoria Brocklebank-Fowler, Matt Thorley

**Officers:** Bi-Borough Head of Environmental Health, Licensing and Trading Standards – Valerie Simpson, Licensing Manager, Adrian Overton – Licensing Officer, Lisa White – Licensing Officer, Cristina Perez-Trillo – Licensing Officer, Charles Francis, Committee Coordinator.

Responsible Authorities: Tom Stewart and Kristen Cardwell, Metropolitan Police

### 1. **MINUTES**

#### **RESOLVED THAT:**

The minutes of the meeting held on 29 June 2017 be confirmed and signed as an accurate record of the proceedings. The Chair noted that the suggestion made by Heidi Titcombe (Legal Services) that a working party of Councillors could meet with her to agree a new procedure had not been actioned. The Chair asked that a working party be convened in the near future and Councillors Perez, Aherne and Thorley agreed to attend the working party.

### 2. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Wesley Harcourt and Frances Stainton.

### 3. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 4. **ANNUAL LICENSING TEAM UPDATE**

Valerie Simpson, Bi-Borough Head of Environmental Health, Licensing and Trading Standards introduced the Licensing Team's Annual Update. Valerie Simpson said that it had been a busy year for the team. There had been an

increase in the number of new premises licence applications, although the number of personal licence applications had fallen. Valerie Simpson said that the Licensing Sub-Committee had been effective and had been ably assisted by strong partnership working with the Police Licensing team.

An overview was provided on a variety of performance statistics for 2017/18 compared to the previous year. It was noted that most applications had been agreed in part and there had also been 3 refusals and 2 revocations. Only 1 appeal was received but this was subsequently withdrawn. Details were provided on the significant number of inspections which were conducted, as well as the work which had been done on complaints. An explanation was provided on the use of action plans and the success these had in reducing cases of crime and disorder.

Valerie Simpson outlined the steps which had been taken by the team to improve processes. Measures included the development of additional access management reports to better manage the application work flow and improve data integrity. Companies listed on licensing applications were now checked against the information held by Companies House. Further work included the refreshing of rateable value data on the Uniform database for all premises licences to ensure that the rateable value, fee band, and VOA reference number were correct as well as, updating the information on the website.

Valerie Simpson explained that the Statement of Licensing Policy had been approved by Full Council last year and that at present, the Statement of Gambling Policy was currently at the consultation stage and would come into force next year.

With regards to the priorities for next year, Valerie Simpson explained that the team would be focusing on a number of areas. These included works to improve local pub watch schemes, the use and issue of Fixed Penalty Notices for the illegal sale of alcohol to underage children and work with business intelligence to improve the report information that the team received.

Councillor Colin Aherne noted the number of complaints received (which had then been investigated) had doubled and asked what had caused this. Lisa White explained there was no particular reason for the increase in the number of complaints, but these mainly stemmed from residents being better networked and more aware of the service. Councillor Zarar Qayyum asked why inspection and enforcement visits to businesses had risen from 118 in the previous year, to 277. Lisa White explained it was normal for these to fluctuate on an annual basis. In some cases, it was normal for some premises to attract multiple complaints on the same evening for example, those made about the King's Road, which explained why the figure was so high.

Councillor Victoria Brocklebank-Fowler enquired about the CIAs and whether there were any plans to review the current arrangements and consider other zones. Adrian Overton confirmed that the 2 current CIAs would be reviewed however, there is no reason why they should not remain and there were no proposals for a new zone. Valerie Simpson confirmed it was usual practice for the CIAs to be reviewed every several years. The Chair asked whether officers worked with resident's groups on CIAs and for example, with the Barclay Road Residents Group. Lisa White confirmed that officers conducted surveys within a given area

and consultations included input from residents and local businesses. Lisa White confirmed that the team planned to meet with Barclay Road Residents Group and the Police to discuss a number of ongoing issues in the near future.

The Chair asked whether access to information and in particular CCTV footage had changed since the introduction of GDPR. In response, Tom Stewart confirmed there was no change to procedures. Councillor Victoria Brocklebank-Fowler noted that the Home Office had been appointed as a further responsible authority in 2014 and expressed concern about its ability to attend hearings as required. In response, Tom Stewart confirmed that in the Metropolitan Polices' experience, he did not have any concerns about their attendance and they were very keen to do so.

Councillor Rachel Leighton asked for more details to be provided on the 277 complaints which had been received. Adrian Overton confirmed that in the south of the borough, complaints mainly focused on pubs and pertained to asb, noise and public nuisance. In the north of the borough, complaints stemmed from late night refreshments, off licences and instances of street drinking. Following on from this, Councillor Leighton asked how the Licensing team decided what to focus on to ensure resources were used most effectively. In response, Adrian Overton acknowledged that it was a small team and that the best way to be effective was to talk to complainants about the relevant premises and the issues they were experiencing and then prioritise accordingly.

Lisa White confirmed that most complaints covered numerous aspects of noise and or ASB and therefore they often worked in conjunction with either the Noise & Nuisance Team or the Police Licensing Team to investigate complaints. Councillor Rachel Leighton asked whether the team investigated complaints which did not stem from high profile premises. Lisa White stated that all complaints were investigated, all premises were risk rated and ones which were the source of complaints were visited on a regular basis.

## **5. REVIEW OF THE COUNCIL'S STATEMENT OF GAMBLING POLICY**

Valerie Simpson, Bi-Borough Head of Environmental Health, Licensing and Trading Standards introduced the report and provided overview of the statement of gambling policy review and public consultation process which needed to be held every three years.

The Committee noted that the main changes were in relation to children and focused on preventing under age gambling, safeguarding concerns and local risk assessments. Valerie Simpson explained that track changes within the document had been left on deliberately for transparency, to highlight where the changes were proposed.

Councillor Rachel Leighton noted the proximity of off licences to some schools and asked if there was any scope within the policy to ensure minimum distances or thresholds were established. In response, Valerie Simpson explained that while this was clearly a concern, proliferation was controlled by the Planning Authority and not the Licensing Department. However, if off-licences were situated near

schools, she explained a series of standard conditions would usually be applied to the licence, one of which was the need to have supervised door entry.

Councillor Rachel Leighton asked if there were any steps the Authority could take to stop intoxicated persons from entering betting premises. Lisa White said that all the Major Betting Operators had a training scheme which ensured that any intoxicated person was deemed to be vulnerable. As such, if a person was gambling whilst intoxicated the Operator would be in breach of its own operating schedule. Adrian Overton confirmed that all Betting Shops also required a licence from the Gambling Commission in addition to the Licence issued by the Local Authority.

The Chair asked how children could be protected from harm with regards to gambling machines in public houses. Adrian Overton confirmed that there would need to be clear lines of sight to the machines. It was also noted that gambling machines in public houses were in decline.

Councillor Zarar Qayyum noted that a number of off licences now sold alcohol online and made deliveries and asked what safeguards were in place to ensure deliveries were not made to under age persons. Adrian Overton explained that all off licences needed to have age verification measures in place and if the applicant wished to make off site sales, it was usual for the applicant to seek advice from the Licensing team to ensure their application progressed smoothly. Adrian Overton confirmed that the Police also asked for background information to be supplied for off licence applications. Tom Stewart explained that if an off licence was providing delivery services and issues arose, it was usual for links to be made between the local community and a member of the Safer Neighbourhood Team to address any problems. The Police confirmed they were aware of the issue of online alcohol sales which they were monitoring closely.

Meeting started: 7.00 pm  
Meeting ended: 7.50 pm

Chair .....

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# Licensing Committee Minutes

Wednesday 27 March 2019

## PRESENT

**Committee members:** Councillors Natalia Perez (Chair), Fiona Smith (Vice-Chair), Colin Aherne, Rachel Leighton, Zarar Qayyum, Matt Uberoi, Asif Siddique, Matt Thorley

**Officers:** Valerie Simpson - Interim Strategic Lead for Environmental Health and Regulatory Services, Adrian Overton – Licensing Manager, Cristina Perez-Trillo – Licensing Officer, Adesuwa Omoregie – Legal Advisor, Gerta Kodhelaj – Legal Advisor and Charles Francis, Committee Coordinator.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Wesley Harcourt, David Morton, Victoria Brocklebank-Fowler and Frances Stainton.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. LICENSING SUB-COMMITTEE PROCEDURE

Adesuwa Omoregie – Legal Advisor introduced the Licensing Sub-Committee Procedure report which recommended that a standard procedure was adopted when dealing with all licensing applications which needed to be determined by the Licensing Committee and its Sub-Committees.

Adesuwa Omoregie drew the Committees' attention to the three report recommendations and explained that if the procedure was agreed, then there was still flexibility to amend it over time, by delegating authority to the Head of Environmental Health in consultation with the Chair of the Licensing Committee.

Adrian Overton explained that the Licensing Authority had concerns about the proposed time limit of 5 minutes for each party to address the Committee and 3 minutes to sum up (as set out in 4.5 of Appendix 1). In complex applications or when reviews were being considered, he advised the Committee, that the

Licensing Authority thought this proposal was too stringent and might result in an increased number of applications which were appealed. As a result, Adrian Overton recommended that the Committee consider increasing the amount of time each party was entitled to address the Committee.

Cllr Colin Aherne referred to the strict time limits imposed on speakers at the Planning, Development and Control Committee and stated that he did not agree with extending the time to address Committee beyond the limits detailed in Appendix 1 of the report. Adesuwa Omoregie suggested that a degree of flexibility could be introduced in complex applications or when reviews were being considered and that a limited extension of time might be granted at the discretion of the Chair of the meeting. The Licensing Committee agreed the recommendation proposed by the Legal Advisor.

In relation to Representations (as set out in 2.0 to 2.3 of Appendix 1), Adrian Overton expressed concern about point 2.2 and the need to ensure the Council did not accept anonymous representations or requests for reviews. He pointed to past instances, where residents had stated they were the Chair of a Residents Association but there was no provenance to prove or disprove this assertion. On this basis he asked the point 2.2 of Appendix 1 be amended by an extra sentence added after the licensing objectives stating –

*Representations made by unregistered resident associations should be accompanied by the names, addresses and signatures of all residents who have given their consent to the representation being submitted on their behalf.*

Mr Overton also suggested that section 7.2 of the hearing procedure should be amended to add '*unless all parties involved in the hearing have given their consent then the decision can be made without the need for a hearing*'.

As such the whole of 7.2 should read as follows -

*7.2 In the event that the request for the adjournment of the decision is made less than 72 hours before the scheduled date for the hearing the decision on the request for the adjournment will be made at the hearing, unless all parties involved have given their consent then the decision can be made without the need for a hearing.*

Cllr Matt Thorley asked whether the Licensing Department held a register of current Residents Association Chairs, and if it did not, then it would be useful to compile a database so that the provenance and legitimacy of speakers could be checked quickly and easily.

With regards to the Notice of Hearing (as set out in 3.7 of Appendix 1), the Committee noted that a hyperlink to Committee papers would be sent to all interest parties, rather than physical copies of the reports.

The Committee discussed The Submission of Evidence (as set out in 4.9 of Appendix 1) and agreed that the late submission of evidence would be permitted if all parties agreed. Where agreement between all parties was not reached, the

Committee agreed that the application would need to be adjourned to a future date.

**Resolved –**

That the Committee approve the Procedure specified in Appendix 1, subject to the following amendments:

- I. That the proposed time limit of 5 minutes and 3 minutes summing up time to address committee be amended at the discretion of the Chair, in either complex applications or reviews.
- II. That delegated authority be granted to the Head of Environmental Health in consultation with the Chair of the Licensing Committee to amend the procedure if required.
- III. That section 2.2 in relation to representations from residents' associations be amended and that section 7.2 in relation to adjournments also be amended as highlighted earlier in these minutes.
- IV. That the approved procedure be used as a template for other licensing applications considered by the Committee and for this to come into force from the next Licensing Sub-Committee meeting i.e. from April 2019 onwards.

Meeting started: 7.00 pm  
Meeting ended: 7.25 pm

Chair .....

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# Agenda Item 4

 hammersmith & fulham	<b>London Borough of Hammersmith &amp; Fulham</b>  <b>ANNUAL MEETING OF THE LICENSING COMMITTEE</b>  <b>25 JUNE 2019</b>
<b>ANNUAL LICENSING TEAM UPDATE</b>	
<b>Report of the Director, Sharon Lea, Strategic Director of Environment</b>	
<b>Open Report</b>	
<b>Classification – For Information</b>	
<b>Key Decision: NO</b>	
<b>Wards Affected: None</b>	
<b>Accountable Director: Sharon Lea, Strategic Director of Environment</b>	
<b>Report Author: Lisa White</b> <b>Licensing Administration and Enforcement</b> <b>Manager</b>	<b>Contact Details:</b> Tel: 020 8753 3081 E-mail: <a href="mailto:adrian.overton@lbhf.gov.uk">adrian.overton@lbhf.gov.uk</a> <a href="mailto:lisa.white@lbhf.gov.uk">lisa.white@lbhf.gov.uk</a>

## 1. EXECUTIVE SUMMARY

- 1.1 This report provides a summary update of the work and performance of the licensing team for the period between 1<sup>st</sup> April 2018 and 31<sup>st</sup> March 2019.
- 1.2 An update on the new team structure in effect for the Licensing Service following the disaggregation from the Royal Borough of Kensington and Chelsea (RBKC).
- 1.3 Details have been included about the service improvement work undertaken in relation to reissuing of premises licences, data integrity and redesigning licensing forms to allow the facility to make online applications.
- 1.4 Additional information has also been included on recent legislative changes.

## 2. RECOMMENDATIONS

- 2.1 That members of the Licensing Committee note the contents of this report and provide any comments.

## 3. INTRODUCTION

- 3.1 The licensing team covers a wide range of statutory licensing, registration and enforcement functions in the London Borough of Hammersmith & Fulham. These functions cover premises

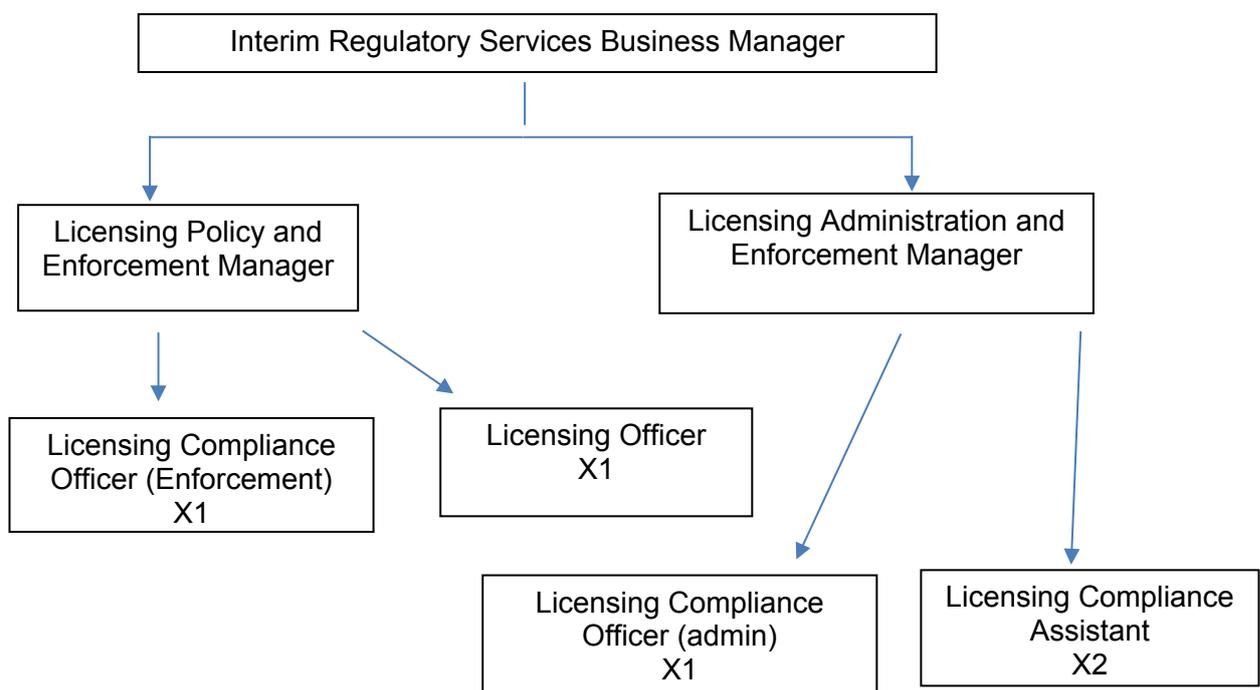
which sell and supply alcohol or provide regulated entertainment or late night refreshment; gambling premises, gaming machines and lotteries; sex establishments and sexual entertainment venues, film classification; and scrap metal dealers.

- 3.2 The Commercial Services team, within the Environmental Health Service Group, is responsible for the licensing/registration of explosives/fireworks, massage and special treatment premises and therapists, and for all animal health/welfare related licensing functions within the division, namely: Riding Establishments, Animal Boarding Establishments, Pet Shops and Dangerous Wild Animals.
- 3.3 The licensing team work in partnership with others to promote the licensing objectives, improve public health, reduce crime and disorder and promote a safe and enjoyable night time economy in the Borough whilst ensuring that it is fulfilling its functions efficiently.

#### 4. REPORT

##### 4.1 Staffing /Team Restructure

The Hammersmith and Fulham Licensing Team has been under Bi-Borough Management since 2012, when both the Team Manager and Administration Manager were under RBKC employment contracts and funded via a Section 113 agreement. With the disaggregation from the Royal Borough of Kensington & Chelsea a new team structure was required to enable the licensing service to become a sovereign service. The new structure came into effect in February 2019 and is shown below:



Both Licensing Managers time is split 50% between managing the team and undertaking day to day operational duties (covering half the Borough each) which include investigating and responding to Councillor complaints and queries, preparing and gathering evidence to defend appeals, signing of licences, leading and investigating serious breaches of licence, working with external agencies when serious incidents or contraventions occur, leading on high level enforcement such as submitting reviews, legal action, closure notices or making representations on behalf of the authority.

The Licensing Officer and Licensing Compliance Officer (Enforcement) are responsible for implementing and leading on service improvements, responding to FOI requests, IT projects such as on line applications, presenting the cases at Committee, dealing with pre-application advice, providing technical guidance, liaising with internal and external partners, visiting premises which have not paid their annual fees, licensing enforcement of low level offences, and supporting businesses to achieve compliance.

The Licensing Compliance Officer (admin) and two Compliance Assistants are jointly responsible for the checking and processing of all licensing applications, invoicing and collection of annual fees, general enquiries via the phone and email, dealing with opposed applications, liaising with residents and responsible authorities, producing reports for the licensing sub committees and other associated administration tasks.

Having a shared service has been a valuable experience in parts and now we have a good opportunity to reassess all of our working practices and keep the good things that we have learnt from colleagues and teams in RBKC whilst removing others which are either unnecessary or inefficient.

One of the biggest advantages of the sovereign Licensing Service has been the career and personal development opportunities that it has brought – this approach has helped to start to address some of the concerns that were raised during the last staff survey. Also having a management team who are fully committed to Hammersmith and Fulham residents and businesses is hugely beneficial.

**Other advantages of this new structure are as follows:**

- Broader and more flexible roles within the team, which has helped to multi-skill staff and support personal development and provide better team cover.
- Progression within the team of three officers to managerial and enforcement roles has demonstrated to other staff members that opportunities can arise internally.
- Dedicated H&F staff managing the team and rather than two part time managers across two boroughs.
- Having a single focus provides the potential to provide a better service for our residents and businesses.
- A reduction in managerial salary costs.

## **4.2. Team performance, work activity and key achievements in 2018/19**

### **4.2.1 Licensing Act 2003**

The Authority has a statutory duty to carry out its function with a view to promoting the four licensing objectives. These are:

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

The work of the Licensing Team involves policy implementation, processing, inspection, enforcement, preparing reports for licensing sub-committee and service improvement.

As of 1<sup>st</sup> April 2019, the authority had 933 licensed premises and had granted 3482 authorisations for personal licence holders under the Licensing Act 2003. Tables 1 - 7 below illustrate the

Licensing Authority's performance during 2018/19. Data from 2017/18 has been included for comparison purposes.

## Applications

Table 1: Licence/authorisation type	No. of applications received	
	2017/18	2018/2019
New premises licences applications	44	58
New personal licences applications	221	197
Premises licence Full variation applications	25	23
Premises licence Minor variation applications	31	58
Designated premises supervisor (DPS) variations applications	189	217
Transfers of premises licences applications	61	55
Notification of change of name and/or address	161	121
Temporary event notices (TENS) / Late Temporary event notices	555	529
<b>Total number of applications processed by the service</b>	<b>1287</b>	<b>1258</b>

The data in Table 1 shows that there has been an increase of approximately 31% in the number of new premises licence applications and a decrease of approximately 10% in the number of new personal licences.

There has been a 15% increase in DPS variations and a slight reduction of approximately 4% on the number of temporary event notices, and of the 529 notices received in 2018/19, 155 were submitted under the late temporary event notice provisions.

Overall in 2018/2019, the service dealt with a total of **1258** applications/notifications under the Licensing Act 2003.

### Suspension of premises licences

In accordance with the Act if a licence holder fails to pay their annual fee a suspension letter is issued, if payment is still not received the licence is subsequently suspended. In 2018/19 there were 239 suspension letters issued by the team and consequently currently 36 licences are suspended.

Table 2: Suspensions of premises licences	Suspension letters issued
2017/18	283
2018/19	289

Once a licence is suspended the enforcement officers will contact and visit the premises to see if the premises is still operating and if so, collect the outstanding debts. If an operator is still providing licensable activities whilst suspended officers will issue notices to the premises explaining that their licence will be reviewed unless they either cease licensable activities or pay the annual fee.

#### 4.2.2 Gambling Act 2005

The Authority has a statutory duty to carry out functions with a view to promoting the licensing objectives under this legislation. These are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The team issues premises licences for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres, casino and horse racing/dog tracks.

#### Applications

Table 3 below details the types of gambling premises in the borough.

Table 3: Types of gambling premises	Total	
	2017/18	2018/19
Adult Gaming Centres	2	2
Betting Shops/ Track Betting	42	42
Bingo	3	3
<b>Total</b>	<b>47</b>	<b>47</b>

As the table above illustrates there has been no change in the number of licensed gambling premises during the past 12 months.

#### 4.2.3 Sub Committee Hearings under the Licensing Act 2003

In 2018/19 a total of 18 licensing sub-committee sittings took place for **new**, **variation** and **review** applications. A breakdown is provided below:

Where a representation is made following an application for a **new licence**, or a **full variation** of a premises licence a sub-committee is arranged.

The table below illustrates the total number of sub committees for **new and variation** applications:

Table 4: Total number of Licensing Sub Committee hearings	New Premises Licence	Variation of a Premises Licence	TOTAL
2017/18	12	5	17
2018/19	11	3	14

A summary of the decisions made by the sub-committee can be seen in Table 5 below:

Table 5: Licensing Sub Committee outcomes	New Premises Licence				Variation of a Premises Licence			
	Granted/Agreed	Agreed in part	Refused	Total	Granted/Agreed	Agreed in part	Refused	Total
2017/18	0	10	2	12	1	3	1	5
2018/19	3	6	2	11	0	2	1	3

Similarly, where the service receives a valid representation for a **review** of a licence a licensing review committee hearing is arranged.

<b>Table 6: Licensing Review Applications and outcomes</b>	<b>Total</b>	<b>No Action</b>	<b>Modify Conditions</b>	<b>Remove DPS</b>	<b>Exclude Licensable Activity</b>	<b>Licence Suspended</b>	<b>Licence Revoked</b>
<b>2017/18</b>	5	0	3	0	0	0	2
<b>2018/19</b>	5	0	2	0	0	1*	3

*\*These premises also had their licence conditions modified*

In the last year two reviews were received from Trading Standards and related to seizures of illicit alcohol and failure to provide credible evidence that the alcohol for sale had been purchased from a legitimately responsible supplier. Both licences were revoked by the committee.

Two reviews were also received from the Metropolitan Police, one of which related to an on licensed premises which failed to provide CCTV to licensing officers following allegations of unauthorised sales of alcohol. A number of conditions in relation to the recording and providing of CCTV were added to the licence by the committee. The other review was in relation to an operator who continued to ignore requests from the police to stop selling high strength alcohol, due to the detrimental impact the sales were having on the local community. The licensing committee decided to suspend the licence for 14 days and a number of conditions restricting the sale of high strength alcohol were added to the licence.

One review was submitted by the licensing team working in partnership with Responsible Authorities we submitted a premises licence review for an off licence which was continuously breaching licence conditions, selling alcohol to drunk persons, selling counterfeit alcohol and selling alcohol to children. Due to the serious nature of the offences and continued non-compliance at the premises over the period of a year, we requested that the committee revoke the licence. A licensing sub-committee agreed with our recommendation and the licence was revoked at the end of 2018. This decision is currently being appealed.

There were no other sub-committee hearings in 2018/19 under the Licensing Act 2003. A full report on all applications that went to Sub-Committee has been produced by Committee Services and can be seen at Appendix 1.

#### 4.2.4 Pre-application advice

Since 2015 the Licensing Team has offered a pre-application advice service for small, medium, large licence applications and extra-large events. Table 7 below illustrates the number of pre-application advice Licensing Officers have given.

<b>Table 7: Licensing Pre-Application Advice</b>	<b>Small</b>	<b>Medium</b>	<b>Large</b>	<b>Extra Large Events</b>
<b>2017/18</b>	8	3	1	0
<b>2018/19</b>	2	3	0	1

The pre-application advice service enables businesses to seek professional advice on how to apply for a licence at a substantially reduced cost to that of a licensing agent/solicitor. The team will continue to promote the pre-application advice service in 2019/20 to support local businesses, whilst ensuring that we cover officers' staffing costs of providing this service.

#### 4.2.5 Appeals

Appeals against the decision of the Licensing Sub-Committee can be brought by a number of parties involved in the application and licensing process e.g. the applicant, responsible authorities and other persons who have objected, or a licence holder in the case of reviews. This area of work can take up a considerable amount of time and it is therefore important that the service monitors this work in light of the decisions made and the facts of each case. There were four appeals lodged against the decision of the licensing committee in 2018/19 compared to only one in 2017/18.

The following Appeals have been lodged in 2018/19:

##### **Nisa Local, 51 Fulham Broadway (off-licence)**

Working in partnership with Responsible Authorities Licensing officers submitted a premises licence review for this off licence which was continuously breaching licence conditions, selling alcohol to drunk persons, selling counterfeit alcohol and selling alcohol to children. Due to the serious nature of the offences and continued non-compliance at the premises over the period of a year we requested the committee revoked the licence. A licensing sub-committee agreed with our recommendation and the licence was revoked at the end of 2018. An Appeal has subsequently been lodged with a hearing date in September 2019.

##### **Pick and Save, 39 Goldhawk Road (off licence)**

These premises were requested on numerous occasions by the police to stop selling super high strength beers and ciders as they are contributing to the street drinking problem in the local area. After agreeing to do so further high strength beers reappeared at the premises. The premises has also started to sell alcoholic ice drinks (slush puppies) which do not comply with food safety regulations. During a recent inspection an illegal worker was found in charge of the premises. As a result, the police submitted a review of the premises licence, the licensing sub-committee suspended the licence for 14 days and attached a number of conditions. An appeal has been lodged and a provisional date has been set for the 3 September 2019.

##### **Broadway Bar & Grill**

At the end of 2018 an application was made to extend licensable activities at these premises until 3am. The premises are located in the Fulham Broadway cumulative impact area. This application was refused by a licensing sub-committee due to a lack of evidence explaining how the extra hours would not add to the existing Anti-Social Behaviour (ASB) issues in the area. An appeal was lodged against this decision and then subsequently withdrawn. The Appellant is now being pursued for our costs incurred in preparing for the appeal.

##### **A-Z Supermarket, 210 North End Road**

In November 2017 a licensing sub-committee revoked the premises licence. This decision was taken in light of visits by the Council's trading standards team which found non-duty paid alcohol and tobacco on the premises and breaches of licensing conditions. An appeal was subsequently lodged and after explaining to the appellant that the Council would seek full cost recovery in court the appeal was withdrawn, and a consent order was agreed. The appellant agreed to pay costs of £4000 as part of the consent order but currently these costs are still outstanding. We have now asked the magistrates court to issue a warrant of control to recover the outstanding £4000 due to the Council.

#### 4.2.6 Inspection and Enforcement

Table 8: Inspection and Enforcement	Total Number	
	2017/18	2018/19
Number of visits to businesses	399	299
Number of complaints received / investigated	277	303
Number of commenced investigations	54	33
Number of prosecution cases sent to Legal Services	0	0
Number of S19 Closure Notices	2	2
Number of S161 Closure Orders	0	0
Number of simple cautions	1	0
Appeals Lodged	1	4

Table 8 illustrates the change in our approach to tackling and detecting non-compliance in licensed premises. Officers act on intelligence from Responsible Authorities and complaints that that are received. There is an increased focus on working with licence holders to support and help them to comply with the law rather than prosecution.

#### 4.2.7 Event Licensing

Officers have been involved in the planning and enforcement for a number of events in the borough this year. These events include (amongst others);- the Fever-Tree Tennis Championship, the annual boat race, Chesterton's Polo in the Park, and a large number of smaller events held on the Borough's open spaces. Additionally, regular liaison and inspections have also taken place at Chelsea, Fulham and Queens Park Rangers football stadiums.

As well as dealing with licence applications for events across the borough. the service also deals with a number of complex applications each year, these types of applications require additional time from both the administration and the enforcement sections of the team, and involve liaising with the operator and numerous Responsible Authorities to ensure the correct licence is applied for with relevant and enforceable conditions. Below are some of the more complex applications the team has dealt with for 2018/19:

##### **Pergola at Olympia**

On the derelict rooftop of Kensington Olympia car park, a new premises licence was applied for, the developers turned the area into a 500-capacity venue, with pop up eating establishments, bar and an outside smoking area. Officers were involved in numerous site visits, multi-agency meetings as well as liaising with the applicant and responsible authorities. The licence was granted, and the premises are now open and trading. Officers regularly meet with the licence holder and police to discuss local issues to ensure the operation of the venue has a minimum impact on the area and on local residents.

##### **Dimco building, Westfield Centre, 28-30 Wood Lane**

In November 2018 the licensing team attended a meeting with other responsible authorities in relation to new premises at the Dimco building outside the Westfield centre. These premises used to be an old bus garage and when it was first inspected, it was essentially a shell of a building which was used for storage. The applicant explained that they wanted to change the premises into a late-night venue, similar to the Apollo in Hammersmith, offering a wide range of entertainment. Officers gave extensive pre-application advice to the applicant in the months after the meeting and worked with them developing conditions and agreeing an operating schedule. In January 2019 a licensing committee granted a licence for the premises which allowed regulated entertainment and the sale of alcohol until 1am Monday to Sunday.

#### **Soccer Aid, Chelsea Football Club, Fulham Road**

Chelsea FC and their legal advisors approached the licensing team in January 2019 to enquire about holding the Soccer Aid charity football match at Stamford Bridge in June 2019. We explained that the current licence would need to be substantially altered to allow entertainment on the pitch and to cover all of the stands for the sale of alcohol. A meeting was arranged with all responsible authorities at Chelsea FC to discuss the options. After this meeting a large amount of officer time was used helping Chelsea refine the application before it was submitted in March 2019. Chelsea FC were charged for all of the application advice offered.

#### **Riverside Studios, 101 Queen Caroline Street**

In February 2019 the Riverside studios applied for a new premises licence after closing for a four-year redevelopment. The licence applied for sought to allow regulated entertainment in the form of plays and films etc. They also asked for the sale of alcohol on and off the premises. During the consultation period approximately 70 representations were received from local residents. At a licensing committee hearing the application was granted without the off sales of alcohol and late-night refreshment later into the evening. The applicant has now put in a further variation application to alter the plans of the premises so that off sales will not be needed. The latest application attracted 20 representations and is due to be heard by a licensing committee on 3 July 2019.

### **4.2.8 Current/on-going investigations**

#### **Elm Public House, 208 North End Road**

Numerous concerns regarding management of premises. Licensing has been liaising with the freeholder – Ei Group and the Police in relation to taking action to have the tenant removed. Residents submitted a review of the licence due to a number of issues with the management and the customers using the premises. The occupier has now recently been evicted by the freeholder. A Licensing sub-committee upheld the review and a number of conditions were attached to the licence. Licensing and the Police will meet with the new tenants prior to the premises reopening so that they are aware of the local issues.

#### **Durrell Arms, 704 Fulham Road**

A number of incidents have occurred at the premises over the last 6 months which have involved the SIA door staff. Following a meeting held with the operator, the Police have proposed the removal of door staff and adding conditions to the licence regarding body worn cameras.

#### **Bedford Arms, 204 Dawes Road**

An incident occurred at the premises and the current DPS is not assisting the police with their investigation. Licensing and Police agree that the DPS is to be removed from the premises. The Police are in discussions with area manager.

#### **Chicago Grill- 63 Uxbridge Road,**

The operator applied for a licence last year which was refused. Residents complained about the premises operating until 1am and causing noise issues. A test purchase was undertaken, and licensable activities were being provided after hours. A warning letter was issued to the operator and advice provided on how to obtain a licence.

#### **Dixie Fried Chicken- 232 Uxbridge Road**

Information was received from police that a robbery occurred at the premises after 11pm. As the premises do not have a licence a test purchase was undertaken, and licensable activities were being provided. A warning letter was issued to the operator and advice provided on how to obtain a licence.

#### 4.2.9 Action Plans / Complex Premises

The licensing managers are responsible for dealing with premises which are of a complex nature, this could be due to the type of complaints, the number of complaints or if the complaints cover a range of issues dealt with by a number of teams across the Authority. Officers are continuously trying to balance the right of a premises to operate whilst ensuring that they do not adversely impact on the local area. In addition to this we are conscious of need to manage the expectations of both residents and Elected Members in terms of the level and quality of evidence which is needed before enforcement action can be taken.

The following premises are receiving on-going attention from Licensing who are working in conjunction with internal and with external partners to try and resolve the local residents complaints.

##### **Seagrave Road Action Plan - My Shop (Off licence)**

Residents have stated that they are suffering due to numerous issues with noise, ASB, drug dealing and youths in the area which they believe it is linked to the 24-hour licence located in Seagrave Road. Officers organised a resident meeting with responsible authorities to discuss the issues. As a result, the Police tasking team were requested to continuously target the drug dealers in the area. A meeting was also held with the operator to discuss the local issues. Due to the number of concerns covering a range of teams, officers implemented an action plan to coordinate the work undertaken, the plan includes further meetings with the operator and the residents and further work with the street wardens to try and tackle rough sleeping in the area. The Police SNT team are also aware of the issues and are working to try and stop drug dealing in this area.

##### **Barclay Road ASB – Slug@Fulham, Fulham Broadway (Late night venue)**

Officers have received continuous complaints that ASB in Barclay Road is linked to these premises and additionally that residents are disturbed by noise from the premises. Several meetings have been held with the operator who is proactive in trying to reduce the impact that the premises has on the local area. At a recent meeting with the operator, responsible authorities and residents, licensing proposed that the operators consider having a number of SIA officers located at the top of Barclay Road to deter any of their customers using the road to urinate or cause ASB. The premises will shortly be undergoing a refurbishment and so the operators have agreed to install a new acoustic lobby and investigate the use of acoustic boards in the front smoking area. Officers have carried out monitoring of the area on numerous occasions and although ASB has been witnessed there is no evidence to date that this is linked to the premises. Residents have been advised continuously to contact the out of hours service to allow officers to witness the level of disturbance inside their property. To date this evidence has not been obtained. Residents have also been offered proactive monitoring. A joined up approach is ongoing with the noise & nuisance team, the Police and community safety in relation to these premises.

##### **Wellington, Haldane Road (Public House)**

This premises are situated in a highly residential area, however two residents located near to the premises have been experiencing noise disturbance mainly from the outside terrace area. As a result, officers in conjunction with the noise & nuisance team have been working with the management of the premises to reduce the impact the premises have on their neighbours. Monitoring has been undertaken on numerous occasions, if issues have been identified they have been raised and addressed with the licence holder. No breaches of licence have occurred, and the premises is generally well managed.

##### **Golden Lion, 57 Fulham High Street (Public House)**

A substantial amount of complaints have been received from numerous residents regarding the outside drinking area. Residents would like to call for a review of the licence to reduce the hours in the garden area. Licensing, noise, health & safety and the Police have now all visited the premises. No major concerns were apparent from the inspections. Residents have been advised that the

noise from the outside area needs to be witnessed in their property for action to be taken. A residents meeting has been organised which licensing will be attending to provide further advice and guidance to residents.

#### **King's Road - Chelsea Lodge & The Jam Tree (Late night venues)**

Over the last year a substantial amount of complaints have been received from one resident in regarding noise, crime & ASB linked to the licensed premises in the area. This has resulted in numerous actions being undertaken by both the Licensing Team and the Noise & Nuisance Team. Both premises have been inspected, multi-agency meetings have taken place, CCTV has been viewed and monitoring undertaken. When issues have been identified Licensing in conjunction with other responsible authorities have raised concerns with the operators who have implemented measures to deal with the impact the premises are having on the local area. There are constant discussions with Noise & Nuisance Team and the Police in relation to these premises. The resident has been offered noise equipment in their property to assist in obtaining evidence, this offer has been declined.

There have been recent concerns in relation to external promoters using the Jam Tree which has been addressed by the police. Additionally, there has been a recent incident in Chelsea Lodge which the police have been liaising with the operator and we understand a minor variation will be submitted to attach conditions.

#### **4.2.10 Other project work undertaken by the team**

##### **Pool of conditions**

Officers have recently revised the pool of conditions which are a useful tool for applicants when making applications but also for Councillors when determining applications at committee. A full consultation has been undertaken with a range of Responsible Authorities on the new conditions. The new conditions have been drafted to ensure they are clear, enforceable and are not unnecessarily restrictive or onerous on applicants and businesses.

##### **Plastic Free Campaign**

As part of the Council's plastic free campaign officers approached Chelsea football club and asked them to consider reducing the amount of single use plastic cups that they were using on match days. Chelsea FC have now trialled a match with mixed single use and multi-use plastic which was a success. As a result of this they now plan to expand this operation more widely next season. Fulham and QPR football clubs are also looking into trialling multi use plastic cups in the coming season. Officers will continue to promote the use of single use plastics at large-scale licensed events, potentially during the application process and during licensing inspections.

##### **MST joint working**

In late 2018 the Council received a number of complaints from residents via the Police, that massage and special treatment premises in the borough were being used for sexual services. The commercial services team who issue these licences approached the licensing team and asked for their advice and experience enforcing the terms and conditions of the licences which prohibit this type of behaviour. To assist, licensing officers carried out a number of visits with the Commercial Services team and the Police and found evidence that sexual services were being offered at a number of licensed premises. Furthermore, officers assisted officers in making a representation against the renewal of a licence through the licensing sub-committee process where the renewal was ultimately refused. Officers are assisting the commercial services team with other licence applications which are to be heard by the committee which also have allegations of offering sexual services. In the future we expect our involvement in this project to diminish as the commercial services team take enforcement action themselves and fully understand the committee process.

### **Child Sexual Exploitation**

Licensing Officers working in partnership with the Police and the Child Protection Agency visited licensed hotels and bed and breakfast businesses as part of Operation Makesafe - Child Sexual Exploitation (CSE). The businesses which failed test purchases were initially given advice on how to train their staff to identify CSE. If the same premises fail future test purchases, they will be asked to add conditions to their licences which require CSE training for all staff.

### **Ask for Angela**

Continuing from last year officers have been actively involved in promoting the 'Ask for Angela' scheme which has now been introduced across the borough. The scheme helps customers who may feel vulnerable in pubs and clubs to discreetly approach staff to ask for help. By 'Asking for Angela', customers can alert staff that they need to get away from someone they feel unsafe with, particularly if they are alone. This year a female in a Hammersmith premises (after seeing the posters in the toilets) asked for Angela at the bar after feeling unsafe following a date she was having with a male she had met on-line. The member of staff discreetly assisted the customer to leave the premises safely. Officers will continue to promote the scheme when undertaking inspections and at pub watch meetings.

### **WAVE - Welfare and Vulnerability engagement training**

In 2017/18 officers contacted all on-licensed premises to invite them to attend training on the WAVE project. This is a priority again for 2019/20 and further training will be arranged. The training looks to improve awareness of vulnerability and responsibilities towards people visiting licensed premises and covers the following points:

- Understanding what vulnerability is within the Licensed Economy and how to identify it.
- Identifying things licence holders can do to assist in preventing and reducing harm to vulnerable people in licensed premises.

Several short films will be shown as part of the training which will outline a number of scenarios. A discussion will take place afterwards to try and understand what measures could have been taken to prevent the incidents highlighted.

### **Use of Intelligence**

The team are actively looking at the use of an intelligence database where information can be shared with other regulators so that rogue licensees who are responsible for premises across council borders can be closely monitored. Discussions are at an early stage but it is envisaged that regulators within Hammersmith and Fulham will have access to the system so that locally, we can better share information and work more cohesively.

## **4.3 Service Improvements**

### **On-line application forms**

Our Licensing Officer has been working for the last three months on producing new online application forms following the closure of 'My Account'. All of the Licensing Team's previously designed and active online forms were removed from service. Over the last three months the officer has designed and implemented the following new forms, which are now live on our website:

- Temporary Event Notices
- Designated Premises Supervisors and,
- New premises licence applications.

Work is on-going to design and implement further forms, however this work removes one officer from the team for long periods of time to concentrate on the design and implementation work. This project will continue throughout 2019/20.

### **Data Integrity**

In the past 12 months officers have continued to review and improve the recording and management of application and licence data held on the department's licensing database (Uniform), including:

- Development of additional access management reports to better manage the application work flow and improve data integrity.
- Reviewing and updating the monitoring of all corporate licence holders on Companies House so that the team is kept up to date and receive notification of change of registered name/address and/or administration/liquidation affecting the validity of the premises licence.
- Refreshing of rateable value data on the Uniform database for all premises licences to ensure that the rateable value, fee band, and VOA reference number are correct. This has enabled application and annual fees to be charged at the correct rate.
- Reduce the number of incomplete licences issued and continuous service improvement work on the licensing database.

Work has continued to improve the way information is displayed to members of the public and licensees including:

- i) A review of licensing webpages for all functions covered by the licensing team, ensuring that web pages are well structured and up to date.
- ii) Improvements to the licensing information displayed on public access.
- iii) Yearly review of the actual costs associated with administering various licensing functions to calculate the associated application and licence fees (where we have the ability to set these fees) to ensure compliance with the EU Services Directive.

## **4.4 Policy Update**

### **4.4.1 Statement of Licensing Policy**

The Licensing Act 2003 ("The 2003 Act") requires every Council to have a 'Statement of Licensing Policy' ("SLP") which will include information stipulated within the Secretary of State's Statutory Guidance to Licensing Authorities in England and Wales, as amended from time to time.

The Council's SLP provides advice and guidance to the Licensing Authority when exercising its statutory functions as a Licensing Authority under the 2003 Act. The SLP is an essential tool to assist Responsible Authorities (mainly regulators) and the Licensing Committee during the decision making process to ensure that those decisions reached are sound and robust enough to withstand an appeal or judicial challenge. It also provides guidance to both applicants, objectors and professional advisers, and provides key information to the magistrates' courts hearing appeals against licensing decisions.

The 2003 Act also requires that the Council's SLP be reviewed via public consultation, formally adopted and published every five years. The latest version of our SLP was published in June 2017 and is next due to be reviewed in 2021/22.

A link to the current policy can be found on the council website at: [https://www.lbhf.gov.uk/sites/default/files/section\\_attachments/statement\\_of\\_licensing\\_policy\\_2017\\_-\\_2022.pdf](https://www.lbhf.gov.uk/sites/default/files/section_attachments/statement_of_licensing_policy_2017_-_2022.pdf)

#### **4.4.2 Statement of Gambling Policy**

The Gambling Act 2005 became effective in 2007 and Hammersmith & Fulham published its Statement of Gambling Policy in January of that year. Under the act, licensing authorities are required to review, amend and consult on their Statement of Gambling Policy at the end of every three year period. Accordingly, an amended version of the policy was published in January 2010, and again in 2013, 2016 and 2018.

In accordance with section 349 of the Gambling Act 2005, Hammersmith & Fulham Council carried out its 3 year review of its Statement of Gambling Policy which was published on the 7 December 2018 and came into effect on the 4 January 2019.

A link to the current policy can be found on the council website at: [https://www.lbhf.gov.uk/sites/default/files/section\\_attachments/statement\\_of\\_gambling\\_policy\\_2019\\_-\\_2022\\_hf.pdf](https://www.lbhf.gov.uk/sites/default/files/section_attachments/statement_of_gambling_policy_2019_-_2022_hf.pdf)

#### **4.4.3 Enforcement Policy**

The Licensing Team is responsible for carrying out duties for various different licensing functions, including enforcement. When carrying out enforcement duties within the borough licensing officers must have due regard to the Regulators' Compliance Code, which places a number of obligations on local authorities.

These include taking a consistent approach to enforcement and being proportionate in response to any licensing breaches. To achieve this we have adopted an enforcement policy which sets out our general approach to enforcement. The current policy can be found on the council website.

#### **4.5 Priorities for the next 12 months (in addition to the Council's Statutory duties under the Licensing Act 2003, Gambling Act and other licensing legislation)**

The key priorities for the Licensing Team in 2019/20 are as follows:

- To respond to public complaints, councillor complaints and other requests for service and investigate within service standards
- Help to support the night-time economy in our town centres in a way that is sensitive to local residents and enhances the borough as a destination for inward investment.
- To inspect all high risk premises and ensure that all licensed and gambling premises operating in the Borough are operating in accordance their licence and within the respective Licensing Policies.
- Ensure that the licensing team operates in a manner that maximises income by the invoicing of annual fees and maintains systems to identify non-payment of fees and take the appropriate enforcement action.
- Working in partnership with other Responsible Authorities and key stakeholders to promote the four licensing objectives through a number of ways including the Licensing Action Group (LAG).
- To improve engagement with residents, clients and businesses and develop a team culture of continuous improvement.

- To be prepared and to implement systems to respond to proposed changes in licensing legislation to minimise disruption to the service.
- Support and promote initiatives to protect vulnerable persons using the night time economy
- To continue to promote the pre-application advice service to assist businesses and increase income and identify other forms of income for the service.
- To continue to improve our online application service for businesses and to reduce paper within the service.
- To conduct multi agency inspections with partners, i.e. Police, Gambling Commission, Security Industry Authority (SIA), H.M Customs and Revenue, UK Border Agency, Trading Standards, and Environmental Health, in relation to:
  - Late night inspections;
  - Underage alcohol sales;
  - License conditions check;
  - Sales of illegal alcohol;
  - Employment of illegal workers; and
  - Gambling premises inspections.
- Work in conjunction with the Council's waste service to promote the reduction of single use plastic in licensed premises, targeting the three football clubs and any large events held within the Borough – Polo, boat race etc
- Partnership working with the Police and other agencies such as Barnardos to carry out further Child Sexual Exploitation (CSE) visits at licensed premises.
- Reduce the number of incomplete licences issued and continuous service improvement work on the licensing database.

## **5. LEGAL CHANGES**

The Gaming Machine Regulations 2018 were made on the 20th December 2018 and came into force on the 1st April this year. The changes saw the maximum permitted stake for category B2 gaming machines (Fixed Odds Betting Terminals) reduced from £100 to £2.

New forms came into force on 28th January 2019 for personal licence application, premises licences and club premises certificate, transfer and interim authority notices. The forms were amended with an updated list of documents that can be used to evidence an individual's entitlement to work in the UK. Additionally, the new forms also provide for the option of evidencing an individual's entitlement to work using the Home Office Online Right to Work Checking Service.

In May 2018, the Government amended the Secretary of State Guidance which included minor amendments to the guidance on TENS, beer gardens, appeals and the hearing process. The revised guidance can be found at:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

## **6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

- 6.1 As at 1 June 2019 there were 933 premises licences issued under the Licensing Act 2003 and 47 gambling premises licence issued under the Gambling Act 2005. In addition, the Council has granted 3482 personal licences under Licensing Act 2003 since 2005.
- 6.2 The amount of licensing debt increased by £1,415, 7.4%, during 2018/19 from £18,995 in March 2018 to £20,410 by March 2019. This minor movement had no effect on the bad debt provision.
- 6.3 Implications verified by Neil Jones, Finance Manager, Environmental Health.

## **7. COMMENTS OF THE DIRECTOR OF LAW**

- 7.1 There are no legal implications arising from the body of this report.
- 7.2 Implications verified by Adesuwa Omoregie, Chief Solicitor (Planning, Highways, Licensing and Property)

## **8. IMPLICATIONS FOR BUSINESS**

- 8.1 Businesses wishing to sell alcohol or provide facilities for entertainment, late night refreshment or gambling are required by law to be licensed. Under the Licensing Act 2003 application fees and annual fees are set by the Secretary of State. These fees have remained at the same level as when the Act came into force in 2005. Under the Gambling Act 2005 application fees and annual fees are set by the Council on a cost recovery basis, subject to a maximum fee depending on the type of premises and type of application.
- 8.2 Operating without a licence, or in breach of licence conditions, is a criminal offence and substantial fines (or even imprisonment) can be levied by the court on conviction. If licence breaches are identified a graduated response is taken to try to achieve compliance without resorting to prosecution, in accordance with the Environmental Health Service Group Enforcement Policy.

## **9. CONCLUSION**

- 9.1 Officers will continue to work in partnership with all statutory and other agencies to develop new processes to help with the effective operation of new and existing laws. Officers will continue to promote the selling of alcohol responsibly, through our strategic goals.

### **List of Appendices**

<b>Appendix Number</b>	<b>Description</b>
Appendix 1	Applications heard at Sub Committee in 2018/19

### **LOCAL GOVERNMENT ACT 2000** **LIST OF BACKGROUND PAPERS**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department/ Location</b>
1.	None		

## Licensing Sub-Committee Hearings 2018-19

Date of Hearing	Premises	Postcode	Type	Ward	Decision	Description
05/06/2018	SHELL FULHAM	SW6 5HY	New premises licence	Town	Grant with conditions	New premises licence for the provision of late night refreshment and the sale of alcohol
	MCDONALDS RESTURANT	W12 8LR	Variation of the premises licence	Addison / Shepherd's Bush Green	Grant with conditions	Application for a variation of the premises licence to alter the hours for late night refreshments
20/06/2018	IMAGES LONDON	SW6 1AA	New premises licence	Town	Grant with conditions	New premises licence for the sale of alcohol for consumption
	BP EXPRESS	W6 9TQ	Variation of the premises	Ravenscourt Park	Adjournment to a later date on the grounds - no advocates were available to attend	Variation of the premises licence to alter conditions and opening hours
04/07/2018	OLD LAUNDRY YARD	W12 8DW	Time limited new premise licence	Shepherd's Bush Green	Grant for sale of alcohol and exhibition of film	Application for a time limited new premises licence - entertainment, performance and alcohol
18/07/2018	BP EXPRESS	W6 9TQ	Variation of the premises licence	Ravenscourt Park	Grant with conditions	Variation of the premises licence to alter conditions and opening hours
	63 UXBRIDGE ROAD	W12 8NR	New premises licence	Shepherd's Bush Green	Refuse	New premise licence for the provision of late night refreshments
12/09/2018	SAINSBURY'S	W6 0UQ	New premises licence	Ravenscourt Park	Application was withdrawn during the meeting	New premise licence for the sale of alcohol for consumption off the premises.
	NEVERLAND LONDON	SW6 2TY	Time limited new premise licence	Sands End	Grant with conditions	Application for a time limited new premises licence for the exhibition of films, recorded music and sale of alcohol
26/09/2018	SIMPLE FOODS	W6 9PH	Variation of the premises licence	Hammersmith Broadway	Refuse	Variation of the premises licence to increase the hours for sale of alcohol for consumption off the premises
15/11/2018	PICK N SAVE OFF LICENCE	W12 8QQ	Review application	Shepherd's Bush Green	Not suspended but conditions imposed	Review
05/12/2018	BROADWAY FOOD AND WINE	SW6 1AE	Review application	Fulham Broadway	Licence revoked	Review
	ORGANIC HAMMERSMITH	W6 7PH	Massage Special Treatment (MST) premise licence	Addison	Application refused	New licence for Special Treatments for the premises
16/01/2019	DIMCO BUILDINGS	W12 7DT	New premises licence	Shepherd's Bush Green	Grant with conditions	New premises licence for the provision of regulated entertainment, late night refreshment and sale of alcohol
23/01/2019	KAHYA	SW6 5UQ	New premises licence	Town	Grant with conditions	new premises licence for the playing of recorded music, late night refreshment and sale of alcohol
13/03/2019	LANGANI SUPERMARKET	SW6 6BU	Review application	Munster	Licence revoked	Review
	FULHAM ROAD CONVENIENCE	SW6 5PZ	Review application	Town	Licence revoked	Review
27/03/2019	SELEKT CHICKEN	W12 8AA	New premises licence	Shepherd's Bush Green	Grant with conditions	New promise licence for the provision of late night refreshments
	THE RIVERSIDE STUDIOS	W6 9BN	New premises licence	Hammersmith Broadway	Licensable activities granted	New premise licence for regulated entertainment, the provision of late night refreshments and the sale of alcohol
10/04/2019	ORIENTS SPA	W14 8ST	Massage Special Treatment (MST) premise licence	Avonmore and Brook Green	Adjourned to a later hearing to allow all parties to review the hearing information	Application for a renewal of licence for Massage and Special Treatments