

	<p>London Borough of Hammersmith & Fulham</p> <p>ANNUAL MEETING OF THE LICENSING COMMITTEE</p> <p>26 JUNE 2018</p>
<p>ANNUAL LICENSING TEAM UPDATE</p>	
<p>Report of the Director, Nicholas Austin, Director for Residents Services</p>	
<p>Open Report</p>	
<p>Classification – For Information</p>	
<p>Key Decision: NO</p>	
<p>Wards Affected: None</p>	
<p>Accountable Director: Nicholas Austin - Director for Residents Services</p>	
<p>Report Author: Patrick Crowley – Bi-Borough Licensing Team Manager</p>	<p>Contact Details: Tel: 020 7341 5601 E-mail: patrick.crowley@rbkc.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1 This report provides a summary update of the work and performance of the licensing team for the period between 1st April 2017 and 31st March 2018.
- 1.2 Details have been included about the service improvement work undertaken in relation to the licence information displayed on the public register and the facility to make online applications.
- 1.3 An update on the Bi-Borough Service Review for the Licensing Teams in the London Borough of Hammersmith and Fulham (LBHF) and the Royal Borough of Kensington and Chelsea (RBKC).
- 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 and ensure that the Licensing Authority is fulfilling its functions efficiently.

4. REPORT

4.1 Staffing

The Licensing Team structure consists of a Bi-Borough Licensing Team Manager and Bi-Borough Licensing Administration Manager – three Licensing Officers, one Licensing Compliance Officer and two Licensing Compliance Assistants. One Licensing Officer, the Licensing Compliance Officer and two Compliance Assistants are jointly responsible for the checking and processing of all licensing applications, invoicing and collection of annual fees, general enquiries, dealing with opposed applications and associated administration tasks, whilst two Licensing Officers are responsible for presenting the cases at Committee, dealing with pre- application advice, licensing enforcement and supporting businesses to achieve compliance.

In addition, the Policy and Projects Officer at the Royal Borough of Kensington and Chelsea assists with the checking of licences prior to issue on a part time basis.

4.2. Team performance, work activity and key achievements in 2017/18

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.

At 1 April 2018, the authority had 847 licensed premises and had granted 3272 authorisations for personal licence holders under the Licensing Act 2003. Tables 1 - 7 below illustrate the Licensing Authority's performance during 2017/18. Data from 2016/17 has been included for comparison purposes.

Applications

Table 1: Licence/authorisation type	No. of applications received	
	2016/17	2017/18
New premises licences applications	51	72
New personal licences applications	238	230
Premises licence Full variation applications	33	41
Premises licence Minor variation applications	25	31
Designated premises supervisor (DPS) variations applications	192	245
Transfers of premises licences applications	51	68
Temporary event notices (TENs) / Late Temporary event notices	518	555

The data in Table 1 shows that there has been an increase of approximately 41% in the number of new premises licence applications and a slight decrease of approximately 3.5% in the number of new personal licences.

There has been a further increase of approximately 7% in the number of temporary event notices, and of the 555 notices received in 2017/18, 143 (approximately 26%) were submitted under the late temporary event notice provisions.

Sub Committee Hearings

In 2017/18 a total of 22 licensing sub-committee sittings took place for **new**, **variation** and **review** applications, in comparison to 10 in 2016/17. 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.

Table 2 below illustrates the total number of sub committees for **new and variation** applications:

Table 2: Total number of Licensing Sub Committee hearings	New Premises Licence	Variation of a Premises Licence	TOTAL
2016/17	4	5	9
2017/18	12	5	17

A summary of the decisions made by the sub-committee can be seen in Table 3 below:

Table 3: 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
2016/17	0	3	1	4	2	2	1	5
2017/18	0	10	2	12	1	3	1	5

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

Table 4: Licensing Review Applications and outcomes	Total	No Action	Modify Conditions	Remove DPS	Exclude Licensable Activity	Licence Suspended	Licence Revoked
2016/17	1*	0	1	0	0	0	0
2017/18	5	0	3	0	0	0	2

The increase in reviews shown in Table 4 above illustrates the focus our Trading Standards team have placed on off licences and the origins of the alcohol they sell.

Three reviews were received relating to seizures of alcohol that had not had UK duty paid, and breaches of licence conditions.

Two reviews were received from the Metropolitan Police, of which one related to a joint operation with Immigration Officers that uncovered a number of illegal workers, and the other related to breaches of licence conditions. The targeted partnership work between the Metropolitan Police and the Council's licensing officers continues to influence better management of licensed premises within the borough.

There were no other sub-committee hearings in 2017/18.

A full report on all applications that went to Sub-Committee has been produced by Committee Services and can be seen at Appendix 1.

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 5 below illustrates the number of pre-application advice Licensing Officers have given.

TABLE 5: Licensing Pre Application Advice	Small	Medium	Large	Extra Large Events
2016/17	1	1	0	0
2017/18	8	3	1	0

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 area of work in light of the decisions made and the facts of each case. There was one appeal lodged against the decision of the licensing committee in 2017/2018, however this was subsequently withdrawn.

An Appeal has recently been lodged at the Magistrates Court by a licence holder whose application to extend their premises licence to 3am was recently refused. Licensing officers, responsible authorities and legal will be meeting to prepare a response and establish the best course of action.

4.2.2 Inspection and Enforcement

Table 6: Inspection and Enforcement	Total Number	
	2016/17	2017/18
Number of visits to businesses	280	399
Number of complaints received / investigated	118	277
Number of commenced investigations	43	54
Number of prosecution cases sent to Legal Services	2	0
Number of S19 Closure Notices	1	2
Number of S161 Closure Orders	0	0
Number of simple cautions	4	1

Table 6 illustrates the change in our approach to tackling and detecting non-compliance in licensed premises by acting on intelligence, and also our increased focus on working with licence holders (increased number of 'visits to businesses').

Events Licensing

Officers have been involved in the planning and enforcement for a number of events in the borough this year, such as the AEGON 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. Officers have worked closely with the Events Team in applying for new licences for a number of the Borough's open spaces. Additionally, regular liaison and inspections have also taken place at Chelsea, Fulham and Queens Park Rangers football stadiums along with 'during performance' inspections at the Hammersmith Apollo.

The Prince, Lillie Road, SW6

Within the Earls Court footprint, a new premises licence was applied for which included four commercial outlets, a closed down public house and a large area of waste land. The developers turned the area into a 900-capacity venue, with pop up eating establishments, bar and covered outside garden 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.

Westfield/BBC Development, White City

This year a number of new licensed premises (both structures and open spaces) have opened within the new Westfield development and on the nearby BBC site. All of these projects have required substantial input from officers including site visits and, on some occasions, pre-application advice has been offered.

In particular, the licensing team were involved in offering advice for a new event space on the junction of South Africa Road and Wood Lane (part of the Gateway site). The proposed site was originally an empty car park. Two new temporary structures will be installed on the site to form two theatre event spaces. There will also be ancillary structures for front of house circulation, bar, foyer, toilet spaces, office, changing areas and installation of plant equipment. After discussions with the Police Licensing team and the Council's Noise team, recommendations for conditions concerning CCTV, dispersal policies and a noise management plan (amongst others) were made. These measures were included in the application when it was finally submitted.

Officers were also involved in numerous meetings and discussions concerning licences for premises within the new extension of the Westfield centre. Hours and conditions were agreed with all of the sites before any applications were made.

QPR, Loftus Road Stadium

Further licensing inspections have been carried out at QPR this year after a number of breaches of conditions and warnings last year. The previous enforcement action led to a consultation with the licensing team on a new licence application. The application included extra conditions and the removal of other conditions which were poorly worded. Since the new licence has been in place there have been no further breaches of conditions.

4.2.3 **Other Enforcement work**

One simple caution was issued in 2017/18, the result of which is summarised below

Real China, Bradmore House, Hammersmith Broadway

Following numerous inspections by licensing officers several breaches of the licence were witnessed. Due to continuous non-compliance the licence holder and designated premises supervisor were requested to attend an interview under caution. The licence holder admitted all the offences and was subsequently issued a simple caution for five offences under the Licensing Act 2003.

Suspended licences

Due to a large number of premises being suspended for non-payment of annual fees, officers have been contacting and visiting premises to collect the outstanding debts. A number of premises were witnessed still trading whilst suspended and it became apparent that further action was required. Officers started issuing notices to the premises stating their licence would be reviewed unless they either ceased licensable activities or paid the annual fee. The Notice resulted in all premises complying/and or paying the outstanding debt. Officers will continue to monitor the suspended premises and take any necessary action.

King's Road Action Plan

Following a substantial number of complaints regarding noise, crime & ASB linked to licensed premises in the King's Road area, a meeting with residents, councillors and responsible authorities was held. As a result, numerous actions were taken by officers to tackle the issues effecting residents. These actions involved one to one meetings with the licence holders, group meetings with all the licence holders attending, CCTV monitoring the premises, out of hours monitoring of premises by officers. Additionally, a communication network was implemented between all the relevant licensed premises, which means they can alert each other of any issues in the area or problematic customers. Following the action by the team the premises are taking responsibility for their local area and, as a result, there has been a significant decrease in complaints.

Belushis, Hammersmith Broadway Action Plan

Due to a substantial number of violent incidents at the premises which has affected the crime figures on the Borough, officers have been working with the Police Licensing Team, management of the premises and the Chief Executive of the company to reduce the number of incidents linked to the premises. This has involved officers monitoring the premises, viewing a substantial amount of CCTV, giving advice, attending meetings, and contributing to an Action Plan in conjunction with the Metropolitan Police. The premises have been complying with the Action Plan and the recommendations made by officers. This has seen a significant reduction in crime and disorder linked to the premises.

4.2.5 **Current/on-going investigations**

Nisa Local, 51 Fulham Broadway

In 2016 a simple caution was signed by the licence holder for a number of offences under the Licensing Act 2003. Following an incident where the premises failed to provide CCTV to the police a number of inspections have been undertaken, on each occasion numerous breaches of licence have been witnessed. Additionally, officers witnessed the sale of alcohol to a drunk person. Officers have carried out test purchases and requested CCTV from the premises. The investigation is ongoing and formal action such as prosecution or review of the licence is being considered.

Pick and Save, 39 Goldhawk Road

These premises operate as an off licence and started selling alcohol via its website using their existing licence. After asking the licence holder to apply to amend their licence to include internet sales conditions this website was taken down. The premises have recently been asked 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 have 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. The investigation is ongoing and formal action such as prosecution or review of the licence is being considered.

Jazz, 69 Goldhawk Road

These premises have been highlighted by local Safer Neighbourhood Team (SNT) police officers as somewhere which regularly sells to street drinkers. During inspections they have also been found to be breaching a number of conditions attached to their licence. The licence holder has been advised by the licensing authority and the Police, and has been asked to add a number of extra conditions to their licence. A premises licence review will be considered if a variation application is not made.

Slug, Fulham Broadway

Officers have received continuous complaints that ASB in the area is linked to this premises. CCTV has been asked to monitor the area. Following a review of the CCTV there appears to be concerns regarding the dispersal of customers from the premises in the early hours which maybe impacting on the local area. A meeting has been arranged with the licence holder to discuss the issues and to propose measures on how to reduce the impact of customers leaving the premises on local residents.

W6, King Street

Complaints have been received by the team that alcohol is being sold on credit to residents of the hostel opposite. The premises licence holder has been warned previously for this activity. The police licensing officer has met with the hostel and discussed possible actions. The licence holder has been requested to attend a meeting at the Police Station.

Today's Express, Lillie Road

Complaints of ASB and disorder outside the premises. A local resident states that the ASB is linked to the alcohol licence for these premises. An inspection has been carried out and officers are currently liaising with the local SNT team and the police licensing team. Officers will monitor to see if there is anything more the licence holder could do to prevent the disorder occurring.

Blue Door, Fulham Road, SW6

New premises opened up which has resulted in numerous complaints relating to noise and nuisance, ASB and allegations of drug dealing. Police and licensing officers have met with licence holder and are working closely with the Noise and Nuisance team to resolve the issues. The licence holder seems keen to resolve all matters and work with authorities and residents. Officers have highlighted a potential breach of planning and have reported this for investigation. Officers are currently monitoring the area at peak times.

Other work undertaken by the Licensing Team

Ask for Angela

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. Officers wrote to all on-licensed premises encouraging them to take part in the scheme. A poster was sent to them along with training material for their staff. The majority of premises have now been visited by officers and the visits have shown that the take up of the scheme is very high. The scheme has also been heavily promoted at pub watch meeting. Feedback on the progress of the scheme has been given at a the Social Inclusion Cabinet Member Board meeting.

WAVE - Welfare and Vulnerability engagement training

Officers contacted all on-licensed premises to invite them to attend training on the WAVE project. 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.

Risk Assessments

Currently there are approximately 300 premises in the borough which have not been risk assessed. Officers have been actively visiting these premises with the aim of reducing this number significantly. In addition, officers have incorporated a system whereby all new premises (new licences) are made the subject of a full risk assessment immediately after the licence has been granted.

4.2.6 Gambling Act 2005

The Authority has a statutory duty to carry out functions with a view to promoting the licensing objectives. 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 7 below details the types of gambling premises in the borough.

Table 7: Types of gambling premises	Total	
	2016/17	2017/18
Adult Gaming Centres	2	2
Betting Shops/ Track Betting	43	42
Bingo	3	3
Total	48	47

As can be seen, there has been no significant change in the number of licensed gambling premises during the past 12 months. The reduction in one licensed betting shop was due to the closure and surrender of the licence of William Hill in Greyhound Road,

The Gambling Act 2005 states that licensing authorities should aim to permit the use of a premises for gambling in so far as it thinks it is in accordance with the relevant codes of practice, guidance and reasonably consistent with the licensing objectives. As such the Council should look to grant a licence unless there is clear evidence that to do so would be detrimental to one or more of the Gambling Act's objectives.

An interested party or a responsible authority may apply to the council to review a premises licence where the operator has failed to meet one or more of the licensing objectives. The decision will be based on whether the request for the review:

- raises an issue relevant to any relevant code of practice, any relevant guidance issued by the Gambling Commission, the licensing objectives for the Gambling Act, or the Statement of Gambling Principles;
- is frivolous or vexatious;
- will cause the licensing authority to alter, revoke (withdraw) or suspend the licence; or
- raises grounds that are substantially the same as, or different from, grounds within an earlier request for a review or from representations made in relation to the application for the premises licence.

There were no reviews of any Gambling Premises Licences in 2017/18.

4.3 Service Improvements

Data Integrity

In the past 12 months work has 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.

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 2016

The Gambling Act 2005 requires all Licensing Authorities to review their Statements of Gambling Policy every three years. Our own policy has to be reviewed, amended, adopted by Full Council, and published by the end of January 2019. The draft, revised version was sent out for a three month public consultation exercise in May 2018. All resident associations, responsible authorities and other stakeholders have been written to and advised of this review.

A link to the current consultation can be found on the council website at:

<https://www.lbhf.gov.uk/business/licensing/licensing-policy>

4.4.3 Alcohol Licensing Strategy

In addition to enforcement and the processing of licence applications, it is important that the team also has strategic aims that they work towards. The current strategic licensing goals of the team are to:

- (a) Make better use of intelligence from reported incidents/complaints when taking enforcement action or other interventions;
- (b) Support our local businesses and regeneration in the borough through advice and partnership working to help build shared prosperity;
- (c) Support and protect our residents by working with them to address any concerns that relate to the four licensing objectives;
- (d) Reduce the negative impact of alcohol harm by embedding public health within our role, when we carry out our duties; and
- (e) Being ruthlessly financially efficient in dealing with licence payments and in the deployment of our resources.

We believe that these goals are aligned with the council's priorities and will help to support a vibrant and diverse night time economy and a borough that we can be proud of.

4.5 Shared management arrangements

The shared management roles have worked well, with the Head of Service, Licensing Manager and Licensing Admin Manager roles being shared across the licensing team for Hammersmith & Fulham and Kensington and Chelsea.

The two teams have been co-located at the Council Offices in Pembroke Road W8 since October 2014, which has benefitted both teams in terms of sharing good practice, improving service delivery and reducing overall operational costs.

The following benefits have also been realised from the shared management arrangements:

- reducing overall operational costs to residents;
- building in resilience to cater for future demand;
- making service improvements;
- maximising licensing income;
- operating best practice: and
- pooling professional technical expertise and competence

4.6 Priorities for the next 12 months (in addition to current investigations and enforcement)

Many of the priorities that were identified last year still remain, as follows:

- Ongoing work to improve local pubwatch schemes.
- Fully establish the accreditation process of officers in the Trading Standards team, so that they can issue Fixed Penalty Notices for the illegal sale of alcohol to underage children.
- Work with business intelligence to improve the crime report information that the team receives.
- Continue to make improvements to the licensing information displayed on Public Access.
- Complete a full review and publish the revised Statement of Gambling Policy.
- Continue to target premises that sell illegal (e.g. counterfeit or non-duty paid) alcohol.

5. LEGAL CHANGES

The Policing and Crime Act 2017 contained a section amending some parts of the Licensing Act 2003. This included the following:

- The power for Licensing Authorities to suspend a Personal Licence for up to six months, or to revoke it, if the holder has been convicted of a 'relevant offence'.
- A requirement for Licensing Authorities to fully review any Cumulative Impact Policy (CIP) they have every 3 years. This Authority has two CIPs that were last reviewed in 2017 and will need to be the subject of public consultation and full reviewed again in 2020. A report will then need to be submitted to the Licensing Authority for a decision to be made regarding their continuation or cancellation.
- The ability for licence holder to submit an appeal to the Magistrates Court against any 'Interim Steps' imposed by the Licensing Authority following an 'Expedited Review'.
- The ability for the Home Office to review and amend the Secretary of State's Guidance without the need for any changes to be agreed by Parliament.

The Immigration Act 2016 contained a section amending some parts of the Licensing Act 2003. This included the following:

- A power of entry for Immigration Officers to licensed premises for the purpose of preventing or detecting illegal workers.
- Giving Immigration Officers the ability to submit representations against some types of licence applications.
- A requirement for a premises licence to be reviewed by the Licensing Authority should the premises become the subject of a 'Illegal Working Compliance Order' under the Immigration Act.
- A requirement for the Council's Licensing Officers to check that applicants for some types of licences have a right to work in the UK prior to progressing their applications.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 6.1 As at 1 June 2018 there were 867 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 3312 personal licences under Licensing Act 2003 since 2005.
- 6.2 The amount of licensing debt outstanding fell by 30% during 2017/18, decreasing from £26,783 in April 2017 to £18,995 by March 2018. This movement in year meant that there was no requirement for further contributions to the provision for doubtful debts during 2017/18.
- 6.3 Implications verified by Lucy Varenne, Interim Head of Finance, Resident's Services.

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, Principal 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, which is on the council website, at the link below.

https://www.lbhf.gov.uk/sites/default/files/section_attachments/lbhf_environmental_services_enforcement_policy_2017.pdf

9. CONCLUSION

- 9.2 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

Appendix Number	Description
Appendix 1	Applications heard at Sub Committee in 2017/18

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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