

	<p>London Borough of Hammersmith & Fulham</p> <p>ANNUAL MEETING OF THE LICENSING COMMITTEE</p> <p>25 JUNE 2019</p>
<p>ANNUAL LICENSING TEAM UPDATE</p>	
<p>Report of the Director, Sharon Lea, Strategic Director of Environment</p>	
<p>Open Report</p>	
<p>Classification – For Information</p>	
<p>Key Decision: NO</p>	
<p>Wards Affected: None</p>	
<p>Accountable Director: Sharon Lea, Strategic Director of Environment</p>	
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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 2018 and 31st 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

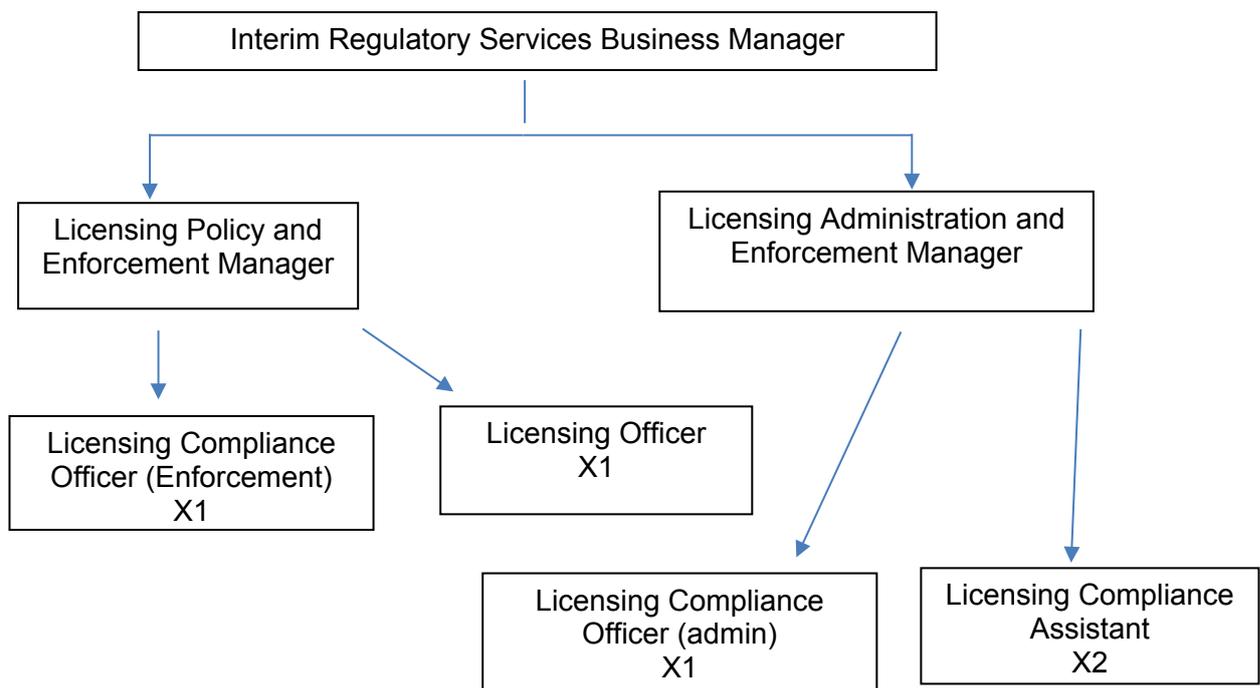
which sell and supply alcohol or provide regulated entertainment or late night refreshment; gambling premises, gaming machines and lotteries; sex establishments and sexual entertainment venues, film classification; and scrap metal dealers.

- 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 1st 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
Total number of applications processed by the service	1287	1258

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
Total	47	47

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.

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

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

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

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

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

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

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