



LICENSING COMMITTEE 6 JULY 2011

DATE	TITLE	Wards
6 th July 2011	ANNUAL LICENSING TEAM UPDATE	ALL

SYNOPSIS

This report is to inform the Licensing Committee about the work of the Licensing Team over the last 15 months. It provides a summary of the Licensing Team's performance for the financial year 2010/11, the Shepherds Bush Cumulative Impact Policy, other licensing issues and cases of interest. It has been submitted to provide an overview of the work of the Licensing Authority and to allow the Licensing Committee to recommend any improvements to the current way of working.

CONTRIBUTORS

Valerie Ellison
Sanju Manji
Lisa White
Adrian Overton
Lewis Aldous
Owen Rees

RECOMMENDATION(S):

It is recommended that the Committee note the report and make recommendations about any improvements to the current way of working.

CONTACT

Valerie Ellison x3905

NEXT STEPS

If adopted at Full Council on 29th June 2011, the Shepherds Bush Cumulative Impact Policy will be implemented. Any recommendations for improvement will be considered for inclusion in the Licensing Team's work plan.

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 2010 and 31st March 2011. Additional information has also been included in relation to current work activities and pending legislation changes.
- 1.2 Staff changes following a mini reorganisation in April 2011, has resulted in a more holistic and focussed approach to enforcement. This has been complemented by work to enhance existing and consider new licensing policies as part of the Licensing Authority's role to promote the licensing objectives.
- 1.3 The report highlights links with Public Health in relation to joined up partnership working through the Licensing Action Group to promote the responsible selling of alcohol, a new policy and framework to give greater control over sex establishments and the monitoring of drug use on licensed premises.
- 1.4 An overview is provided of the work to improve payments of annual maintenance fees, enforcement action, committee hearing results, anticipated legislation changes and proposals for the training of new councillors in the future.

2. INTRODUCTION

- 2.1 This report is to inform the Licensing Committee about the work of the Licensing Team over the last 15 months.
- 2.2 The licensing team covers a wide range of statutory licensing, registration and enforcement functions in the London Borough of Hammersmith & Fulham. These functions cover gambling premises, sex establishments and premises which sell/supply alcohol, provide regulated entertainment or late night refreshment.
- 2.3 The team work in partnership with others to promote the licensing objectives, improve public health and ensure that the Licensing Authority is fulfilling its functions, as efficiently as possible.

3. REPORT

3.1 Staffing

As of the 1st April 2011, following a mini reorganisation within the Public Protection & Safety Division (PPS), the Licensing Team consists of 3 FTE Public Protection and Safety Officers (Licensing Officers) and the Trading Standards & Licensing Manager (0.5 FTE). The Special Events Public Protection & Safety Officer, who was in the Licensing Team under the previous PPS structure now sits within the Commercial Services Team. Appendix 1 shows the revised PPS FTE Structure chart.

As a result of the reorganisation the following licensing, registration and enforcement functions are now managed by the Commercial Services Team:

Massage and Special Treatments, Explosives, Dangerous Wild Animals, Pet Shops, Animal Boarding Establishments and Riding Establishments.

3.2 Team performance, work activity and key achievements in 2010/11

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

At the 1st April 2011, the authority had 966 licensed premises and had granted 1870 authorisations for personal licence holders under the Licensing Act 2003. The table below illustrates the team performance during 2010/11.

Licence/authorisation type	No. of applications received	No. of applications granted
New premises licences applications	73	36
New personal licences applications	168	151
New premises licence variations applications	50	19
Designated premises supervisor variations applications	198	146
Transfers of premises licences applications	73	45
Temporary event notices	535	N/A

The work of the Licensing Team involves policy, processing, inspection, enforcement and committee work, other team performance during 2010/11 is outlined in the table below:

Licensing Work activity	Total number
Number of visits to businesses	508
Number of complaints investigated	336
Number of prosecution cases commenced	17
Number of prosecution cases sent to Legal Services	4
Number of completed prosecutions	7
Number of simple cautions	2
Number of letters of warning	75
Number of Fixed Penalty Notices issued for illegal street trading	1
Number of licensing sub committee hearings	25
Number of review hearings	6

Appendix 2 gives details of the licensing applications considered by the Licensing Sub-Committee and the decisions between June 2010 and May 2011. The total of

31 applications heard by the Sub-Committee represents an increase of 7 from the total of 24 in the previous year. It also details the applications where a date was set and a report published, but subsequently not used. There were 5 sub-committee hearings, including a review hearing, in April 2010 and none in May 2010.

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, betting, adult gaming centres, family entertainment centres, casino and horse racing and dog tracks.

At the 1st April 2011, the authority had granted the following authorisations under the Gambling Act 2005. The table below illustrates the team performance during 2010/11.

Number of applications	Type of applications
2	Track Betting
67	Gaming Notifications (Machines in Licence Premises)
8	Gaming Machines in Members Clubs
11	Adult Gaming Centres
47	Betting Shops

A summary of various cases of interest has been provided at Appendix 3.

3.3 Statement of Licensing Policy

In 2010/11, the Statement of Licensing Policy was reviewed for the second time since the Licensing Act 2003 came into force as part of the 3 yearly review required under the Act. Significant changes were made to the policy to reinforce how the four licensing objectives could be promoted. Additions included all mandatory conditions, a standard pool of conditions, details of the Fulham Broadway Cumulative Impact Policy (CIP) which was implemented in 2009/10 and additional information about crime and disorder. The revised Policy came into force in January 2011 and is available on the council website.

3.4 Public health: Sex Establishments

The council currently licences three different types of sex establishments across the borough. They are tightly controlled either by the Licensing Act 2003 or the Miscellaneous Provisions Act 1982. In 2010/11 the council consulted on and

adopted new legislation which brings lap/table dancing clubs under the same controls, which has resulted in the development of a new sex establishments policy and revised standard conditions, to ensure that sex establishments in the borough are adequately regulated. The new controls have been in effect since the 1st April 2011, which is the first appointed day. Any new applications received within 6 months of the first appointed day will all be considered together, in October 2011.

3.5 Shepherd's Bush Cumulative Impact Policy

Following concerns raised by residents and the Police about the negative affect that the number and type of licensed premises in the Shepherds Bush area were having on the area, a cumulative impact study was commenced to establish whether a cumulative impact policy was required.

In light of the evidence, a draft Special Licensing Policy was put forward for a formal 12 week consultation, which concluded on 10th June 2011. The Full Council report gives details of the cumulative impact study that took place, the proposed area, results of surveys with licensed premises and residents, results of the 12 week consultation and evidence and monitoring data from the licensing team, an independent consultant, responsible authorities and the community safety division.

If adopted by Full Council, on 29th June 2011, it will mean that applications for new premises licences or variations to existing premises licences e.g. later hours can be refused if a valid objection is received. A copy of the report prepared for the Full Council meeting on the 29th June 2011, is attached as Appendix 4.

3.6 Public health: Licensing Action Group (LAG)

In 2010/11 the Licensing Action Group (LAG) was inaugurated as a group of key partners who would agree to work together to tackle licensing issues. The group consists of officers from the licensing team, trading standards team, commercial services team, environment protection team, planning enforcement team, the police, the London Fire Brigade (LFB), Drug and Alcohol Action Team (DAAT) and the community safety division.

Since the formation of the LAG, a Memorandum of Understanding (MoU) has been signed by all partners to agree a protocol of working together more effectively. Members of the group recognise the potential negative affects that the irresponsible sales of alcohol can have on public health and to the night time economy. The LAG's Terms of Reference can be seen at Appendix 5.

3.7 Public health: Monitoring drug use on licensed premises

The issue of drug use by customers is proactively discussed at Pubwatch meetings with a clear message that doing nothing will not be tolerated. Members of Pubwatch and other licensed premises visited have been offered free wipes to carry out their own monitoring and have been advised about the various steps that can be taken to combat drug use on their premises.

In 2010/11 a drug inspection notice was devised in conjunction with DAAT that can be issued at the time of inspection, prompts licensees to take proactive action to resolve any issues and can be used for immediate referrals to the police and DAAT.

3.8 Annual maintenance fees

The licensing team have recently changed the way that they focus on outstanding debts for annual maintenance fees. Licensing Officers are proactively visiting premises which have unpaid annual maintenance fees outstanding, to minimise the number of premises referred for debt recovery.

When visiting debtors, officers have identified other non-compliant licensing issues, e.g. that the premises licence holder has left, the Designated Premises Supervisor (DPS) has left, the licence has lapsed due to company insolvency, licence conditions have been breached or that the premises has closed down. This has allowed officers to take the necessary action to update the licensing database, bring the premises into compliance or to take formal action, as appropriate. Mix Food and Wine, 299 North End Road, W14, who are currently being investigated for over ten offences, is an example of a licensed premises which came to the Licensing Team's attention through the non-payment of their annual maintenance fee.

4. LEGISLATION CHANGES

4.1 Rebalancing the Licensing Act

In 2010 the Government launched a consultation entitled "Rebalancing the Licensing Act". The consultation proposed many changes that the Government wished to make to the Act and invited responses from Local Authorities, Responsible Authorities and those in the licensed trade. A number of the proposals have now been incorporated into the Police Reform and Social Responsibility Bill, which if passed will amend the Licensing Act in significant ways.

The legislation has currently passed readings in the House of Commons and is currently being read in the House of Lords where amendments may be made. It is likely that the majority of changes will come into effect in 2012.

Appendix 6 gives details of the Rebalancing the Licensing Act 2003 proposed changes which cover the following issues:

- Changes to the Application Process
- Early Morning Restriction Orders (EMROs)
- Health Authorities
- Licensing Authorities as Responsible Authorities
- Licensing Fees
- Temporary Event Notices (TENs)
- Underage Sales

It is important to note that none of these proposals have yet become law. The Bill is currently being read in the House of Lords and many of the changes which may require secondary legislation are not expected to become law until next year at the

earliest. It may also be the case that further changes are made and that only some amendments are passed. However, it is also important to note that some of these amendments may impact upon the Licensing Committee e.g. more committee meetings due to more people being able to make representations.

4.2 Councillor training

The Licensing Authority is a member of the Institute of Licensing (IoL) which regularly offers cost effective training including the Licensing Hearings for All training course, which has been identified as a value for money one day course for new members of the Licensing Committee.

Whilst the Licensing Team continue to provide training to new councillors and refresher training, as required, to allow them to fulfil their obligations as a member of the Licensing Committee, it is recognised that the current training delivery method is more effective and efficient in a group forum as opposed to a one to one training session.

It is proposed that new members of the Licensing Committee will be issued with a training pack, containing guidance on their role, and a copy of the Section 182 Guidance and the Statement of Licensing Policy. This will be supplemented by with training notes in the form of a Powerpoint presentation, and a 1-2 hour session with a member of the Licensing Team to discuss and clarify any issues. In addition, they will be given the opportunity to attend the IoL Licensing Hearings for All training course. The team would also look to offer the training, as part of the Council's package of e-learning courses in the future.

5. CONCLUSION

Officers will continue to work in partnership with all statutory agencies to develop new procedures and enforcement policies to facilitate the effective operation of new and existing legislation and to promote the selling of alcohol responsibly.

List of Appendices

Appendix Number	Description
Appendix 1	PPS FTE Structure 1st April 2011
Appendix 2	Licensing applications considered by the Licensing Sub-Committee and the decisions taken between June 2010 and May 2011
Appendix 3	Cases of interest
Appendix 4	Full Council Report for Full Council meeting on the 29 th June 2011 relating to a proposed Shepherds Bush Cumulative Impact Policy
Appendix 5	LAG Terms of Reference
Appendix 6	Rebalancing the Licensing Act 2003 proposed changes

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	LAG Memorandum of Understanding	Sanju Manji, Ext: 3392	ENV/PPS – 6 th Floor HTHX
2.	Revised Statement of Licensing Policy 2011	Sanju Manji, Ext: 3392	ENV/PPS – 6 th Floor HTHX