



London Borough of Hammersmith & Fulham

LICENSING COMMITTEE 23 JUNE 2015

DATE

23 June 2015

ANNUAL LICENSING TEAM UPDATE

Wards

SYNOPSIS

ALL

This report is to inform the Licensing Committee about the work of the Licensing Team over the last 12 months. It provides a summary of the Licensing Team's staffing levels and performance for the financial year 2014/15, an update on service improvements, the shared management arrangements, the Alcohol Licensing Strategy 2012 – 2015, the statutory review of the Council's Statement of Licensing and Statement of Gambling Policies and legislative changes.

It has been submitted to provide an overview of the work of the Licensing Authority and to allow the Licensing Committee to comment and/or recommend any improvements to the current way of working.

CONTRIBUTORS

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RECOMMENDATION(S):

It is recommended that the Licensing Committee note the report, and provide any comments.

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NEXT STEPS

Recommendations will be considered for inclusion in the Licensing Team's work plan.

1. EXECUTIVE SUMMARY

- 1.1 This report provides a summary update on the staffing levels and the work and performance of the licensing team for the period between 1st April 2014 and 31st March 2015.
- 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 statutory review of the Council's Statement of Licensing and Statement of Gambling Policies.
- 1.4 Additional information has also been included on recent legislative changes.

2. INTRODUCTION

- 2.1 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; marriage venues; non medical poisons; scrap metal dealers and motor salvage dealers.
- 2.2 The Commercial Services team, within the Environmental Health Service Group, are 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. However, the administration of these functions, checking and processing of applications and issuing of licences, is undertaken by the licensing team.
- 2.3 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.

3. REPORT

3.1 Staffing

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

Since June 2014 one of the Licensing Officer posts has been filled by an officer on secondment from the Royal Borough of Kensington and Chelsea, and we anticipate that a full time Licensing Officer will be recruited into this post by the end of July.

The structure also includes one officer as part of the Council's 'intern' scheme to assist with the invoicing and debt recovery of annual licensing fees. This post is currently vacant but we expect to recruit for this position by the end of July.

3.2 Team performance, work activity and key achievements in 2014/15

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 2015, the authority had 871 licensed premises and had granted 2629 authorisations for personal licence holders under the Licensing Act 2003.

Tables 1 - 4 below illustrate the Licensing Authority's performance during 2014/15. Data from 2013/14 has been included for comparison purposes.

Applications

Table 1: Licence/authorisation type	No. of applications received	
	2013/14	2014/15
New premises licences applications	58	65
New personal licences applications	193	206
Premises licence Full variation applications	29	25
Premises licence Minor variation applications	24	29
Designated premises supervisor (DPS) variations applications	192	232
Transfers of premises licences applications	54	69
Temporary event notices (TENs) / Late Temporary event notices	525	525

The data in Table 1 shows that there has been an overall increase of approximately 6.5% in the number of new personal licences and approximately 17.5% increase in the number of premises licence applications.

The number of temporary event notices has remained static, and of the 525 notices received in 2014/15, 128 (approximately 24%) were submitted under the late temporary event notice provisions.

Sub Committee Hearings

In 2014/15 a total of 15 licensing sub committee sittings took place for new, variation and review applications, in comparison to 24 in 2013/14. 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: Total number of Licensing Sub Committee hearings	New Premises Licence	Variation of a Premises Licence	TOTAL
2013/14	6	9	15
2014/15	9	1	10

Table 2 illustrates the total number of sub committees for new and variation applications. 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
2013/14	0	6	0	6	6	0	3	9
2014/15	6	2	1	9	1	0	0	1

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
2013/14	8*	0	6	1	1	1	1
2014/15	4**	0	4	0	0	0	0

* the totals, reflect the number of actual reviews applications. Some reviews had more than one outcome

**In 2014/15, there were an additional 2 hearings, the first to consider interim steps following an expedited review and a subsequent hearing to consider a representation from the licence holder against the interim suspension of his licence.

Table 4 above provides details about the nature of the decisions taken by the Licensing Sub-Committee. It is clear from the comparison with 2013/14 that the number of reviews has decreased in 2014/15. This is due to the fact that the work of the team in 2014/15 was more targeted and focussed and was very effective in dealing with many of the problems associated with licensed premises.

All four review applications in 2014/15 were called by the Metropolitan Police.

There were two additional sub-committee hearings in 2014/15, one in relation to an application for a licence for a Scrap Metal Dealer and the other in relation to the renewal of a licence for a Sex Entertainment Venue.

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

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.

A summary of the appeals is provided below.

Today's Express, 86a Lillie Road, SW6

A new premises licence application for a 24 hour off licence was heard by the licensing sub-committee on the 22 July 2014, the committee granted the application in part with restricted hours from 10:00 to 00:00, and additionally the committee attached a number of conditions to promote the licensing objectives. Following the decision the applicant submitted an Appeal to the Magistrates Court. An agreement was made with the applicant before the first hearing date, to settle the matter without the need for a hearing. The Appeal was subsequently withdrawn. The licence now permits the sale of alcohol until 01:00 seven days a week with an additional condition relating to personal licence holders being on duty.

Olympia Food & Wine, 9 Hammersmith Road

Due to a failed test purchase and continuous breaches of licensing conditions a licensing sub committee revoked this licence in September 2013. Following the decision the applicant submitted an Appeal to the Magistrates Court. An agreement was made with the applicant to settle the matter without the need for a hearing after the Council's legal costs of £1750 were agreed to be paid by the appellant. A new licence was granted for the premises in April 2014 to a different licence holder.

Inspection and Enforcement

Table 5: Inspection and Enforcement	Total Number	
	2013/14	2014/15
Number of visits to businesses	170	301
Number of complaints received / investigated	131	182
Number of commenced investigations	63	60
Number of prosecution cases sent to Legal Services	5	1
Number of S19 Closure Notices	7	6
Number of S161 Closure Orders	0	0
Number of simple cautions	3	2
Number of letters of warning	40	113

Table 5 illustrates the change in our approach to tackling and detecting non compliance in licensed premises by acting on intelligence.

Officers work closely with the Licensing Police Sergeant and have been involved in several joint operations since February 2012 to tackle unlicensed activity around the capital, and to crack down on licensing issues affecting the borough.

Operation Breeze

A number of operation Breeze visits have also been carried out in the North, South and Central areas of the borough throughout the year. These visits sought to tackle specific issues affecting

residents and normally focused on a certain type of licensed premises such as off licenses, pubs, and bars or gambling premises. Most recently off licences in the Uxbridge Road and Goldhawk road were inspected with a manager from a local homeless hostel. Licence holders were spoken to about the harmful effects of high strength alcohol and given leaflets about the hostel to pass onto vulnerable individuals who purchase alcohol at their premises.

Officers also work closely with the Licensing Police Sergeant and other responsible authorities via the fortnightly licensing action group (LAG) and have formulated a number of enforcement operations targeting specific premises at these meetings.

Events Licensing

Officers have been involved in the planning for a number of major events in the borough this year. In the summer of 2014 an application was made for a large festival on Wormwood scrubs. Officers were involved in the planning process for this event attending pre application advice meetings right the way through to making a representation to the application as the licensing authority and suggesting conditions at committee. Officers have also been involved in the planning and enforcement for a number of events, such as, The Davis Cup, The AEGON Tennis Championship, The annual boat race, Chestertons Polo in the Park and a large number of smaller events held on the Boroughs 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.

Other Enforcement work

In total between April 2014 and March 2015 the Licensing Team conducted a total of 60 investigations, of which 25 resulted in warning letters, 12 licence holders were issued verbal warnings, 2 premises received simple cautions, 6 premises received a Section 19 Closure Notice and 1 investigations resulted in a formal prosecution.

A total of 3 prosecutions were concluded in 2014/15, the results of which are summarised below

Olympia Food and Wine, 9 Hammersmith Road

Continuous breaches of licence conditions were witnessed at the above premises over a number of inspections in 2013 and 2014. Warnings were sent to the licence holder on several occasions and were also ignored. As a result a prosecution file was prepared for 32 offences over 3 dates. On Tuesday, 27th January 2015 the licence holder entered a guilty plea to 26 out of the 32 offences. A decision was made to drop the other 6 offences. The licence holder was fined £3000 for breach of Condition 11 on 27 April 2013. – There will be one personal licence holder on the premises at all times the premises is open the public. The Magistrates did not impose a separate penalty for the rest of the offences and ordered the licence holder to contribute to the prosecution's costs of £2200 and ordered to pay the victim's surcharge of £120.

Nisa Local, 94 North End Road, W14

Continuous breaches of licence conditions and an out of hour's sale of alcohol were witnessed in 2014. Warnings were issued to the licence holder however these were ignored. As a result a prosecution file was prepared for ten offences. On the 3 March 2015 the licence holder pleaded guilty to all ten offences, The Judge gave the defendant credit for her early guilty pleas and took into account the defendant's limited means. The defendant was fined £1200 in total and costs of £4500 were awarded, together with a £20 victim surcharge. The defendant was given 28 days to make the payment in full.

Lala's, 1 Blacks Road

After wide scale disorder in the basement of Lala's, 1 Black's Road, Hammersmith on New Year's Eve 2012 the Council commenced a prosecution against the joint licence holders of the premises. The incident which took place in the early hours of New Year's Day 2013 resulted in serious injuries to at least three people. Two people received injuries amounting to grievous bodily harm, namely a broken eye socket and a broken jaw and another person received a cut to the head. Before entering the premises the Police had to call for urgent assistance in order to deal with the incident such was the scale and ferocity of the disorder. CCTV footage later showed a fire extinguisher, bottles and chairs and other furniture being used as weapons during the fight in the basement of the premises. At court on the 3rd December 2014 Mr Adisen (one of the joint licence holders) pleaded guilty to two offences of unlicensed activity and selling alcohol without a designated premises supervisor in place. Mr Adisen was fined a total of £3250 for both offences and ordered to pay part of the Council's costs - £2750. He was also asked to pay £120 as a victim surcharge. A sentence was also passed in Mr Kosma's absence (the other joint licence holder and premises supervisor at the time of the incident). He was fined £750 for the unlicensed activity on 31st January 2013 along with £500 costs and a £75 victim surcharge. Statements were provided from Council officers and Police officers as part of this prosecution, a number of which were called to give evidence during this two day trial. Previously this premises has had 20 conditions imposed on the licence, including reduced opening hours to midnight, better ID checks and a ban on music as a result of this incident. These restrictions were imposed by a licensing sub-committee on the 1st May 2013 following a review of the premises licence.

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 6 below details the types of gambling premises in the borough.

Table 6: Types of gambling premises	Total	
	2013/14	2014/15
Adult Gaming Centres	6	5
Betting Shops/ Track Betting	51	44
Bingo	4	4
Total	61	53

As can be seen there has been a decrease in the number of betting shops and adult gaming centres in the borough in the past 12 months and no new gambling premises licences were issued in 2014/15.

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 2014/15.

3.3 **Service Improvements**

Data Integrity

In the past 12 months work has been underway to review and improve the recording and management of application and licence data held on the department's licensing database (Uniform), including:-

- A review of rateable value data held for all licensed premises to ensure that application and annual licence fees are being charged at the correct rate.
- Signing off several thousand historic records for licences which are no longer in effect to ensure that these no longer appear on the public register.
- Implementing a system to monitor corporate licence holders on Companies House to ensure that the Council is alerted
 - when a licensee becomes insolvent, so that action can be taken to notify the business that the licence has lapsed as a result of the insolvency and to ensure that the premises does not continue to operate without a licence,
 - when a licensee changes its name or registered office, so that action can be taken to ensure the licensee notifies the council of the change and returns the licence for amendment.
- Implementing a system for the timely invoicing of annual fees and the recording of invoice details and payments on the department's licensing database (Uniform). This has led to improvements in identifying premises who have failed to pay their annual fee so that further action can be taken to either recover the fees, suspend the licences, or, if the licence is no longer required, to prompt the licensee to surrender the licence.
- The systematic recording of licence conditions on Uniform each time a licence is issued, over time this will facilitate the accessibility of this information on the Council's Public Licensing Register.

This work is still ongoing and further improvements to the management of our electronic records will continue in 2015/16.

On-line applications

Applicants can now apply and pay online for 9 types of licence applications. For temporary event notices the data completed online is automatically populated into the licensing database, providing convenience and a more efficient way of working.

Two further online forms which populate directly into the licensing database have been developed for new premises licences and variations to specify the designated premises supervisor. These forms are due to go live in June/July, after which, work will begin on the remaining premises licence application forms. It is expected that the majority of premises licence application forms will be fully integrated with the licensing database in the coming year.

3.4 Update on Alcohol Licensing Strategy 2012 – 2015

This alcohol licensing strategy sets out our proactive approach towards the prevention and reduction of alcohol related violent crime, disorder and antisocial behaviour and the negative impact on public health.

Working with our partners, we will always strive to adopt best practice around:

- Interventions to tackle the alcohol-fuelled disorder, using enforcement powers to tackle problem premises and problem individuals; and
- Managing the night time economy using partnership approaches.

The reduction of the level of alcohol related crime, disorder and anti-social behaviour and the negative impact on public health will continue to be tackled through the **four** strategic goals below:

- Building an Evidence Base;
- Providing Advice and Education;
- Regulation and enforcement; and
- Improving Public Health.

A link to the Alcohol Licensing Strategy can be found here: [Alcohol Licensing Strategy](#)

A summary of the work activities that have been carried out by Trading Standards, in support of the strategy is detailed below: -

Table 7: Trading Standards underage sales work in 2014/15	Target	Actual number of attempts	Number of sales
Underage Sales Alcohol	10	12*	1
Underage Sales Knives	10	0	0
Underage Sales Tobacco	10	6**	0

*During March 2015, the Trading Standards Team have also carried out 85 (eighty five) alcohol visits in LBHF to check for compliance with Challenge 21/25. The team used three volunteers aged 18, 19 and 20 years of age.

- 85 Attempts were made to purchase alcohol
- 54 sales of alcohol were made where the volunteers were not asked for ID or age. In these instances written guidance was issued to the businesses where a Challenge 21/25 policy or licensing condition was in place.

Following the sale a Trading Standards officer and the volunteer returned to the shop to notify them of the sale and to discuss the reason why the sale was made. This exercise was well received by local businesses, as it gave them the rare opportunity to speak to a volunteer and to realise how accurate their judgement was regarding the age of young people.

This project raised concerns with the high percentage of non compliance found in those premises where challenge 21/25 internal policy or licensing condition was in place.

**The Trading Standards Team have also carried out underage test purchases of E-Cigarettes as part of a national project to check the general appetite to sell to under 18s as currently it is not an offence to sell to under 18s. From 21 test purchases 8 premises sold to underage children, most of which were pharmacies and small retail/off licences.

Trading Standards use intelligence received from the Licensing Team, Community Safety, Metropolitan Police, Residents and other partners to help identify target premises for Alcohol, Knives and Tobacco sales. Based on the information provided, the team concentrated on alcohol and tobacco sales in 2014/15.

In addition, 15 spirit measures were checked, all of which were found to be correct, and No Fixed Penalty Notices (FPNs) were issued for underage sales of alcohol, by trading standards during this period. This is still an ongoing issue getting authorisations in place to allow officers in the Trading Standards team to issue these without the need for Police assistance. All officers have now passed the police vetting process and have been trained. A memorandum of understanding now needs to be agreed and signed, a complaints procedure needs to be put in place and badges, authorisation warrants and FPN pads need to be issued to officers.

Priorities for the next 6 months (in addition to investigations/enforcement and service improvement)

- Ongoing work to improve local pubwatch schemes.
- Licensing officers to receive training about being more intelligence led.
- Carry out public consultation on the reviewed Statements of Licensing and Gambling Policies.
- Pursue the accreditation of Trading Standards Officers, so that they can issue FPNs for the illegal sale of alcohol to underage children.
- Further develop relationships with public health contacts for alcohol.
- Monitor existing action plans.
- Make improvements to the intel crime report.
- Make improvements to the licensing information displayed on Public access.

3.5 Shared management arrangements

The Licensing Teams in the London Borough of Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea have compared respective services in depth, which has highlighted a number of opportunities:

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

The Bi-borough Licensing Manager role has worked well and some of the benefits above have been realised. The two teams (LBHF and RBKC) co-located at the Council Offices in Pembroke Road W8 in October 2014. This co-location has benefitted both teams in terms of sharing good practice, improving service delivery and reducing overall operational costs.

4. REVISED STATEMENT OF LICENSING POLICY

- 4.1 The current Statement of Licensing Policy was reviewed and adopted by Full Council and was published in July 2012. This review related to changes in licensing legislation that rendered the previous Policy statement factually incorrect.

The Licensing Act 2003 requires every Licensing Authority to review its Statement of Licensing policy at least every 5 years, which would mean that a revised Policy Statement would need to be published in 2017. However, changes to the Secretary of State's Guidance to Licensing Authorities (published March 2015), new legislation amending the Licensing Act 2003 (effective from April 2015), and a need to review the Cumulative Impact Zones in Fulham and Shepherds Bush have resulted in a further review of the Statement of Licensing Policy being required.

- 4.2 The Policy has been reviewed and the draft, revised version is now the subject of a public consultation exercise. This public consultation will run from the 8 June 2015 until the 30 September 2015. It is proposed that the new version of the Policy Statement will be put before a meeting of the Full Council in January 2016 for adoption. A copy of the draft, revised Statement of Licensing Policy can be found here:

https://www.lbhf.gov.uk/Images/Draft_Statement_Licensing_Policy_2016_tcm21-154285.pdf

- 4.3 The main changes reflect the latest version of the Secretary of State's Guidance document, updated links to various websites, and updated contact details. In particular, the following changes have been made:

Paragraphs 2.1 – 2.3	New paragraphs describing the borough.
Paragraph 3.9	Additional paragraph briefly describing 'Local Area Risk Assessments'
Paragraph 4.2	Amended to inform the reader that the 'local pool of conditions' is currently under review.
Paragraph 6.3	Paragraph extended to inform the reader that the Cumulative Impact Zone in Fulham Broadway has undergone a review and will remain in place.
Paragraph 6.4	Paragraph extended to inform the reader that the Cumulative Impact Zone in Shepherds Bush has undergone a review and will remain in place.
Paragraph 15.7	New paragraph informing the reader of more detail concerning 'Local Area Risk Assessments'.
Paragraphs 18.19 – 20	Both paragraphs deleted – referred to the 2012 London Olympics.
Annex 2	New Mandatory Conditions.
Annex 3	Local Pool of Conditions deleted – awaiting the results of a full review.
Annex 5	Fulham Town Centre – Cumulative Impact Zone Data Report 2015.
Annex 7	Shepherds Bush - Cumulative Impact Zone Data Report 2015.
Glossary	Amended to show Exempt Regulated Entertainment

5. REVISED STATEMENT OF GAMBLING POLICY

- 5.1 The Gambling Act 2005 requires Licensing Authorities to review their Statements of Gambling policy at least every three years. The current Statement of Gambling Policy was reviewed and adopted by Full Council in 2012 and published in January 2013.

In accordance with our statutory obligations the Gambling Policy has been reviewed and the draft, revised version is now the subject of a public consultation exercise. This public consultation will run from the 8 June 2015 and the 30 August 2015. It is proposed that the new version of the Policy Statement will be put before a meeting of the Full Council in October 2015 for adoption and published in January 2016. A copy of the draft, revised Statement of Gambling Policy can be found here:

https://www.lbhf.gov.uk/Images/Draft_Statement_of_Gambling_Policy%202016_tcm21-196323.pdf

- 5.2 The main changes reflect the latest version of the Gambling Commission's Guidance document, updated links to various websites, and updated contact details. In particular, the following changes have been made:

Paragraph 3.7	Guidance on submitting plans with licence applications
Paragraph 3.11	New paragraph with Gambling Commission Guidance on planning issues when dealing with licence applications
Paragraphs 5.5 – 5.9	New paragraphs relating to 'Local Area Profiles' and the Gambling Commission's 'Social Responsibility' Codes 10.1.1 and 10.1.2
Paragraph 23.4	New table showing maximum stakes and prizes for the different categories of gaming machines
Annex 3	New map of the borough relating to 'Local Area Profiles'

6. LEGISLATION CHANGES

- 6.1 The Legislative Reform (Entertainment Licensing) Order 2014

This Order came into effect on 6 April 2015 and deregulates the following:

- Live and recorded music in premises authorised for the sale or supply of alcohol for consumption on the premises, at the time when the premises are open for the supply of alcohol, where the music takes place between 8am and 11pm and, if the music is amplified, for audiences not exceeding 500 people.
- Any entertainment provided by
 - health care providers which takes place in a hospital owned or occupied by the health provider
 - local authorities which takes place on premises owned or occupied by the local authority, and
 - school proprietors, where the entertainment takes place on school premises between the hours of 8am and 11pm
- Live and recorded music at community premises, church halls, village halls and similar which are not authorised for the sale or supply of alcohol, or at a hospital, or at a local authority premises or at a school, where the music takes place between 8am and 11pm for audiences

not exceeding 500 people, provided the person organising the entertainment has the prior written consent of the premises occupier for the entertainment to take place.

- Any entertainment that consists of or forms part of a performance by a travelling circus provided the entertainment takes place between 8am and 11pm within a moveable structure and provided the travelling circus has not occupied that same site for more than 28 consecutive days.
- Boxing or wrestling where it is a contest, exhibition or display of Greco-Roman wrestling or freestyle wrestling between 2 participants, which takes place inside a building between 8am and 11pm for audiences not exceeding 1000 people.

A full list of exempted entertainment is attached as Appendix 2.

6.2 The Deregulation Act 2015

Deregulation of personal licence renewals – personal licences are now granted for an indefinite period - *in force from 1 April 2015*

Deregulation of ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings – *in force from 6 April 2015*

Abolition of offence of selling liqueur confectionery to children under 16 – *in force from 26 May 2015*

Removal of requirement to notify the police of the loss or theft of a premises licence, club premises certificate, personal licence or temporary event notice – *in force 26 May 2015*

Increase in number of temporary event notices for a single set of premises in a calendar year from 12 to 15 from 1 January 2016 onwards - *in force 26 May 2015*

6.3 The Licensing Act (Mandatory Conditions) Order 2014

This order came into effect on 28 May 2014 and introduced a ban on the sale of alcohol at a price which is less than the cost of the Duty paid plus VAT on that alcohol. The condition applies to every Premises Licence and Club Premises Certificate in England and Wales that permits the sale or supply of alcohol, whether on or off the premises.

Different rates of duty apply to different types of alcohol and the Home Office have produced Guidance Notes and a ‘calculator’ to assist licensees in ensuring that the price at which alcohol is sold will not breach this licence. A link to the Guidance Note and calculator can be found here: [Guidance Note and Calculator](#)

A list of current mandatory conditions is attached as Appendix 3.

**7. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES
(needs reviewing and updating)**

- 7.1 There are approximately 870 licensed premises and LBHF has granted 2629 authorisations for personal licence holders under Licensing Act 2003 since 2005.

The closure of Earls Court during 2014-15 meant that only a part year amount was received for the Licence fee and no fee is expected in 2015-16. The budget has been adjusted to reflect this change.

8. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 8.1 The Legal implications are set out in the body of the report.

9. CONCLUSION

- 9.1 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.

Patrick Crowley
Bi-borough Licensing Manager

List of Appendices

Appendix Number	Description
Appendix 1	Applications heard at Sub Committee in 2014/15
Appendix 2	List of exempted entertainment
Appendix 3	List of current mandatory conditions under the Licensing Act 2003.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

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