

**London Borough of Hammersmith &
Fulham**

**COMMUNITY SAFETY, ENVIRONMENT
AND RESIDENTS SERVICES POLICY &
ADVISORY COMMITTEE**

18 NOVEMBER 2015



REVISED STATEMENT OF LICENSING POLICY

**Report of the Cabinet Member for Environment, Transport and Residents
Services – Councillor Wesley Harcourt**

Open Report

Classification - For Policy & Accountability Review & Comment

Key Decision: NO

Wards Affected: All

Accountable Director: Nicholas Austin - Director for Environmental Health

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1. EXECUTIVE SUMMARY

- 1.1 The Licensing Act 2003 requires every Council to have a 'Statement of Licensing Policy' which will include information stipulated within the Secretary of State's Statutory Guidance to Licensing Authorities in England and Wales.
- 1.2 The Council's 'Statement of Licensing Policy' has undergone a full review this year due to changes in legislation, and the revised version is required to be adopted by the Full Council in order to comply with the Licensing Act 2003. The draft, revised Statement of Licensing Policy has undergone a 16 week public consultation exercise which ended on the 30 September 2015.

2. RECOMMENDATIONS

- 2.1. That this Committee review and comment upon the revised Statement of Licensing Policy, attached as Appendix 1 to this report, and recommends that Full Council approves and adopts the revised Statement of Licensing Policy.

3. REASONS FOR DECISION

- 3.1. To ensure that the Council's Statement of Licensing Policy complies with section 5 of the Licensing Act 2003.
- 3.2. The draft Statement of Licensing Policy must be adopted by Full Council before it comes into effect in February 2016.

4. INTRODUCTION AND BACKGROUND

- 4.1 The Council's Statement of Licensing Policy provides advice and guidance to the Licensing Authority when exercising its functions under the Licensing Act 2003. It also provides guidance to both applicants and objectors.
- 4.2 The Council's current Statement of Licensing Policy took effect in July 2012. However, there have recently been a number of amendments to licensing legislation and to the Secretary of State's Statutory Guidance ("Guidance") which the Licensing Authority must have regard to when carrying out its licensing functions. In order to maintain an up to date Policy Statement a full review took place this year. A draft revised Statement of Licensing Policy has been prepared and has undergone a 16 week public consultation.
- 4.3 The 2012 Statement of Licensing Policy has been revised to reflect subsequent changes in legislation and Guidance. A copy of the draft, amended Statement of Licensing Policy is attached as Appendix 1 to this report. Annex 2 – 5 of the Policy, which relate to the Cumulative Impact Zones in Fulham Town Centre and Shepherds Bush and subsequent reviews of these zones in 2015, can be seen on the LBHF website, link at the end of this report.
- 4.4 The main changes made prior to the public consultation reflected the changes in legislation and the latest version of the Guidance, a review of the special policies in Fulham Broadway and Shepherds Bush, updated links to various websites, and updated contact details. These changes are summarised in table 1 below.

Section of the Statement of Licensing Policy	Changes 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.

Table 1: Summary of changes made to the Statement of Licensing Policy

- 4.5 Six responses were received as a result of the public consultation exercise, the results can be seen on the LBHF website, link at the end of this report.
- 4.6 The main additional amendments to the Policy post consultation relate to guidance in relation to possible sexual exploitation of children in licensed premises, the Council's support for well run licensed premises, clarification of the relationship between planning and licensing legislation, and the removal of the Council's 'Pool of Conditions' – this will become a separate document displayed on our website in order that it can be amended as required without having the whole Statement of Licensing Policy go through this review process. The remaining amendments update the effects of changes in legislation and Guidance, and amendments to paragraphs to make them more easily understandable.
- 4.7 On the 01 April 2015 there were 871 Premises Licences and 11 Club Premises Certificates in the borough. In relation to the Cumulative Impact Zones, the Fulham Town Centre zone has been in place since 2009 and the Shepherds Bush zone since 2011. In depth analysis of the effect of late night licensed premises in these areas in 2009 and 2011 respectively showed that they were a strong contributing factor to an increase in alcohol related crime and disorder. Since the zones were put into effect there has been a significant reduction in alcohol related crime and disorder in these areas.
- 4.8 The crime, anti-social behaviour and nuisance data supporting the imposition of these zones has been thoroughly reviewed in 2015. The data shows that the effect of these zones is positive in that crime, anti-social behaviour and nuisance continues to show a reduction from the data collected prior to the creation of these zones. However, should the zones be deleted there is a high probability that an increase in licensed premises, particularly late night venues, will give rise to an increase in crime, anti-social behaviour and nuisance.
- 4.9 The Statement of Licensing Policy as a whole plays an important part in ensuring that the borough has a thriving, and safe, night time economy for residents, visitors and businesses. The Statement of Licensing Policy strives to protect residents and visitors from alcohol related crime and anti-social behaviour while encouraging well run businesses to prosper within the borough.

- 4.9 It should be noted that the Statement of Licensing Policy can be reviewed at any time and, for example, should the Council decide that specific areas of the borough would benefit from a more flexible or different approach to encourage regeneration the Policy can be amended to reflect this.

5. PROPOSAL AND ISSUES

- 5.1 The latest version of the Secretary of State's Guidance to Licensing Authorities has introduced 'Local Area Risk Assessments' which will require applicants to address local issues within their applications, and require them to explain how they will reduce any adverse impact on the local environment should an application be granted. This should assist Licensing Authorities when making decisions relating to applications for the new grant of, or a variation to an existing, licence.
- 5.2 Vulnerable children in licensed premises have also been considered. Although children under the age of 16 are, in most cases, required to be accompanied by an adult in premises licensed to sell or supply alcohol, particular attention to the risk to children in these premises has been given in the revised Statement of Licensing Policy.

6. CONSULTATION

- 6.1 The draft, revised Statement of Licensing Policy commenced a 16 week public consultation exercise on the 8 June 2015. Details were sent to every Residents' group in the Borough in early June 2015. Details were also sent to all premises licence holders, to representative groups of the licensing industry and to the Chamber of Commerce. The draft Policy was placed on the Council's website, link at the end of this report.

Details of the public consultation were also included in the Council's e-newsletter.

- 6.2 Details of the revisions and the weblink to the draft Policy were sent to teams within Environmental Health, Planning, Highways, Children's' Services, the Council's Events Team, the Director of Public Health's team, the Metropolitan Police, the Parks Police, the Fire Authority, local hospitals, all Hammersmith and Fulham Councillors, the three Town Centre Managers and neighbouring Boroughs.
- 6.3 Six responses were received from the Council's Legal Department, the Trading Standards Team, the Head of Licensing and Trading Standards, the Noise and Nuisance Team, the Metropolitan Police and the Food and Health and Safety Team. The results can be seen on the LBHF website, link at the end of this report.

7. EQUALITY IMPLICATIONS

- 7.1 The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in s149 of the Equality Act 2010 (the Act) to consider how the decisions they make, and the services they deliver, affect

people who share different protected characteristics in relation to age, race and disabilities etc. A screening for the equalities impact assessment has been carried out on the effect of the policy. The policy has low relevance in relation to its impact on the areas under the statutory duties contained in the equalities impact assessment, but contributes towards the corporate priorities of the council, in relation to have due regard to the three aims of the duty, namely :

- to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

8. LEGAL IMPLICATIONS

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

8.2 Implications to be verified by: Tasnim Shawkat, Director for Law, 020 8753 2700 [Reference: HT30098387].

9 FINANCIAL AND RESOURCES IMPLICATIONS

9.1 There are no direct financial implications associated with this report. However any financial impact arising as a result of this policy will be managed as part of the budget monitoring process.

9.2 Implications to be verified by: Mark Jones, Director for Finance and Resources – TTS/ELRS, 020 8753 6700

10. IMPLICATIONS FOR BUSINESS

10.1 Implications for business in the borough from the introduction of this revised policy are considered to be minimal. The Statement of Licensing Policy has been revised to reflect the recent changes in the latest version of the Secretary of State's Guidance to Licensing Authorities and licensing legislation. Local area risk assessments should be considered and completed by new applicants and existing licence holders, as they provide a basis upon which future Licensing Act applications will be assessed.

10.2 This new approach represents a major opportunity for local businesses to promote, and clearly state within their application how they will promote, the licensing objectives and ensure high standards of operation which respect the sensitivities of their locality.

11. RISK MANAGEMENT

11.1 The failure to meet new and existing statutory requirements is specifically addressed in the Environmental Health Service Group's risk register. Controls are in place to mitigate this risk include training, internal auditing, periodic updates of the scheme of delegation and the business planning process.

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	The Licensing Act 2003; the Secretary of State's Guidance and the licensing regulations	Patrick Crowley 020 7341 5601	Licensing

LIST OF APPENDICES:

Appendix 1 – Draft revised Statement of Licensing Policy (post consultation version)

WEBLINK TO:

Cumulative Impact Zone reviews;

Consultation responses;

Draft Statement of Licensing Policy submitted for public consultation;

http://www.lbhf.gov.uk/Directory/Business/Licences_and_street_trading/Licensing_a_z/59466_Licensing_policy.asp