

<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">LICENSING COMMITTEE</p> <p style="text-align: center;">21 JUNE 2016</p>	
<p>ANNUAL LICENSING TEAM UPDATE</p>	
<p>Report of the Director for Environmental Health</p>	
<p>Open Report</p>	
<p>Classification - For Information</p>	
<p>Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Director: Nicholas Austin - Director for Environmental Health</p>	
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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 2015 and 31st March 2016.
- 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 shared management arrangements for the Licensing with the Royal Borough of Kensington and Chelsea.
- 1.4 Additional information has also been included on recent legislative changes.

1. RECOMMENDATIONS

- 1.1. The Committee is asked to note the contents of this report.

2. 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; marriage venues; non medical poisons; and scrap metal dealers.
- 3.2 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.
- 3.3 The Licensing Team work in partnership with others to promote the licensing objectives, improve public health and ensure that the Licensing Authority is fulfilling its functions efficiently.

4. REPORT

4.1 Staffing

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

The Licensing Compliance Officer is currently seconded to the Commercial Services Team and is responsible for the checking and processing of massage and special treatment licences/ registrations.

The structure currently includes one Compliance Assistant as part of the Council's 'intern' scheme to assist with the administration work.

In addition, the Policy and Projects Officer at the Royal Borough of Kensington and Chelsea applies 10% of their time assisting with the checking of licences prior to issue.

4.2 Team Performance, Work Activity and Key Achievements in 2015/16

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 of licensing applications, inspection, enforcement, preparing reports for licensing sub-committee and service improvement.

At 1 April 2016, the authority had 870 licensed premises and had granted 2815 authorisations for personal licence holders under the Licensing Act 2003.

Tables 1 - 7 below illustrate the Licensing Authority's performance during 2015/16. Data from 2014/15 has been included for comparison purposes.

4.2.1 Applications

Table 1: Licence/authorisation type	No. of applications received	
	2014/15	2015/16
New premises licences applications	65	56
New personal licences applications	206	222
Premises licence Full variation applications	25	32
Premises licence Minor variation applications	29	30
Designated premises supervisor (DPS) variations applications	232	226
Transfers of premises licences applications	69	80
Temporary event notices (TENS) / Late Temporary event notices	525	495

The data in Table 1 shows that there has been an overall decrease of approximately 13.7% in the number of new premises licence applications and an overall increase of approximately 7.7% in the number of new personal licences.

There has been a decrease of approximately 5.7% in the number of temporary event notices, and of the 495 notices received in 2015/16, 117 (approximately 23%) were submitted under the late temporary event notice provisions.

Between 1 January 2014 and 30 April 2016 there were 26 new grant applications received for premises located within the cumulative impact zones in Shepherds Bush and Fulham Broadway, of which 23 applications were granted, 2 were refused and 1 was withdrawn.

4.2.2 Sub Committee Hearings

In 2015/16 a total of 10 licensing sub-committee sittings took place for new, variation and review applications, in comparison to 14 in 2014/15. 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, unless terms and conditions can be mutually agreed by the relevant party/responsible authority prior to the meeting and the representation withdrawn.

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

Table 2: Total number of Licensing Sub Committee hearings	New Premises Licence	Variation of a Premises Licence	TOTAL
2014/15	9	1	10
2015/16	6	3	9

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
2014/15	6	2	1	9	1	0	0	1
2015/16	0	6	0	6	0	3	0	3

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
2014/15	4*	0	4	0	0	0	0
2015/16	1**	0	1	0	0	0	0

**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.*

***In 2015/16, there was 1 additional hearing to consider interim steps following an expedited review*

Table 4 above provides details about the nature of the decisions taken by the Licensing Sub-Committee. It is clear from the comparison with 2014/15 that the number of reviews has decreased in 2015/16. This is due to active partnership work with responsible authorities and the Licensing Action Group. The work of the team in 2015/16 was also more targeted and focussed, and was very effective in dealing with many of the problems associated with licensed premises.

The review application in 2015/16, was called by the Noise and Nuisance Team.

There were 5 additional sub-committee hearings in 2015/16 in relation to Temporary Event Notices, 4 counter notices were served following decisions by the Licensing Sub Committee and 1 Temporary Event Notice was granted.

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

4.2.3 Pre-Application Advice

The Licensing Team since May 2015 offer a pre- application advice service for small, medium and large licence applications. Since February 2016 the

team offers pre-application advice for extra-large events. Table 5 below illustrates the type of pre application advice Licensing Officers have given.

TABLE 5: Licensing Pre Application Advice	Small	Medium	Large	Extra Large Events
2015/16	4	0	0	0

The cost of providing this advice was offset by the fee charged for this service. Details of the charges are available on the licensing webpages of our website, and can be seen below:

Application Type	Without VAT	With VAT
Small Application- Up to one hour of advice regarding small licence applications, the effect of which would have a minimal environmental impact on neighbouring properties. We would deal with the licensing process, guidance on plans, possible conditions, etc.	99.10	118.92
Medium Application- Up to 2 hours advice for medium size applications including a site visit by an Environmental Health Officer and/or a Licensing Officer if required, a meeting and written report(s).	153.70	184.44
Large Application- Up to 4 hours advice for large applications including multiple (if necessary) site visits by an Environmental Health Officer, meetings with Environmental Health Officers and Licensing Officers and written report(s).	261.80	314.16
Extra large events - 5000 people or more- Category A - up to 7 hours advice for extra large public events includes the cost of specialist officers carrying out inspections, giving advice, providing written reports and the cost of a supervising officer monitoring any reports provided as part of this service	415	498
Extra large events - 5000 people or more- Category B - up to 14 hours advice for extra large public events includes the cost of specialist officers carrying out inspections, giving advice, providing written reports and the cost of a supervising officer monitoring any reports provided as part of this service	830	996
Extra large events - 5000 people or more - Category C - up to 21 hours advice for extra large public events includes the cost of specialist officers carrying out inspections, giving advice, providing written reports and the cost of a supervising officer monitoring any reports provided as part of this service	1245	1494

Fee Exemptions: This may apply to any organisation or individual that may qualify for an exemption from paying the statutory fees for a licence application, for example, educational institutes, buildings used for religious purposes, village and community halls and non-profit making charities.

4.2.4 Licensing Pool of Conditions – Licensing Act 2003

As part of the review of the Council’s Statement of Licensing Policy the pool of licence conditions for Licensing Act 2003 applications has been reviewed and updated. The new pool of licence conditions was revised in partnership with a number of responsible authorities. The pool of conditions can be used as a guide by applicants, residents, Councillors, agencies and responsible

authorities when making, commenting on or considering applications to help promote the four licensing objectives. The conditions can be found on the licensing pages of our website: [Local Pool of Conditions](https://www.lbhf.gov.uk/sites/default/files/section_attachments/local_pool_of_licence_conditions_tcm21-199721.pdf) (https://www.lbhf.gov.uk/sites/default/files/section_attachments/local_pool_of_licence_conditions_tcm21-199721.pdf)

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 area of work in light of the decisions made and the facts of each case. A summary of the appeals is provided below.

Rose Public House, 1 Harwood Terrace, SW6

On the 9 July 2015 the Noise and Nuisance Team submitted a review application. The review was submitted following a substantial number of resident complaints. Additionally, the officer was satisfied that there was a significant potential for ongoing public nuisance from the use of the garden at the premises. The licensing sub-committee considered the application and relevant evidence and on the 7 October 2015. The committee decided to restrict the closing time of the garden area to 21:45 hours, a number of conditions controlling the garden area were also attached to the premises licence. Subsequently, the licence holders appealed the decision on the 09 December 2015. The Noise and Nuisance Team and residents provided evidence relating to how the premises were causing a nuisance. The Licensing Team carried out monitoring of the garden area. Consequently, the licence holders withdrew the appeal.

4.2.6 Inspection and Enforcement

Table 6: Inspection and Enforcement	Total Number	
	2014/15	2015/16
Number of visits to businesses	301	243
Number of complaints received / investigated	182	116
Number of commenced investigations	60	67
Number of prosecution cases sent to Legal Services	1	2
Number of S19 Closure Notices	6	3
Number of S161 Closure Orders	0	0
Number of simple cautions	2	4

Table 6 illustrates the number of visits to businesses has decreased. In 2014/15 all off licences were inspected as part of a borough wide operation. The number of complaints investigated has also decreased. Working in

partnership with the Noise and Nuisance Team in response to noise complaints has reduced the number of complaints investigated by the Licensing Officers.

Events Licensing

Officers have been involved in the planning and enforcement for a number of events in the borough this year, 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 Borough's open spaces. This year has also seen a number of open air pop up bars opening within the Borough which have required additional input from officers. 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.

4.2.7 Other Enforcement Work

A total of 4 simple cautions were concluded in 2015/16, the results of which are summarised below

La Cuenta, now known as The Pachas, 146 Wandsworth Bridge Road, London, SW6 2UH

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

Nisa Local, 51 Fulham Broadway, SW6

A test purchase and an inspection were undertaken during a fixture at Stamford Bridge. A number of conditions were not being complied with, additionally alcohol was being sold outside of the permitted times. The licence holder attended an interview under caution and admitted to all offences. A further inspection was undertaken and the licence was being complied with. The licence holder was offered a simple caution for two offences under the Licensing Act 2003.

Nisa Local, 94 North End Road, W14

The licence holder failed to provide CCTV in accordance with the premises licence. CCTV was requested following complaints that alcohol was being sold outside of the permitted times. An investigation was instigated and the licence holder attended an interview under caution. The licence holder was offered a simple caution for one offence under the Licensing Act 2003.

Zara Food And Drink, 80 Uxbridge Road, London, W12 8LR

During an inspection of the premises by Police licensing officers, numerous breaches of conditions were witnessed. During subsequent visits by licensing officers similar breaches were identified. Following discussions with licensing officers and the police the licence holder surrendered the licence. The licence

holder was advised to cease selling alcohol immediately and to remove any alcohol from the premises. The licence holder was offered a simple caution for offences under the Licensing Act 2003.

Two legal files recommending prosecution were submitted in 2015/16, which are summarised below

Today's Express, 86a Lillie Road, SW6

Following complaints that the premises were selling alcohol outside the permitted hours, a test purchase was undertaken by officers and alcohol was sold. Consequently, a full inspection was undertaken and a number of conditions were not being complied with and an investigation was instigated. The licence holder was invited on a number of occasions to attend an interview under caution. The licence holder failed to attend the interviews and the case was referred to the legal team. The case was heard in Court on 24 May 2016 and the licence holder was fined a total of £2304.50.

Booty Food & Wine, Daling Road

An inspection was recently undertaken following a complaint of out of hour's sales. Numerous breaches of conditions were witnessed, additionally CCTV could not be obtained as the system is switched off at 23:00 even though the premises is open 24 hours. An investigation was instigated due to the history of the premises and the seriousness of the offences. The case has now been referred to the legal team, first hearing date to be confirmed.

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.

4.2.8 Applications

Table 7 below details the types of gambling premises in the borough.

Table 7: Types of gambling premises	Total	
	2014/15	2015/16
Adult Gaming Centres	5	2
Betting Shops/ Track Betting	44	43
Bingo	4	3
Total	53	48

As can be seen there has been a decrease in the number of licensed premises in the borough in the past 12 months 4 Adult Gaming Centre licences were surrendered, 1 betting shop licence and 1 bingo licence were surrendered . There was 1 application in 2015/16 for a new Adult Gaming Centre to replace a Bingo premises, this licence was issued.

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 2015/16.

4.2.9 Gambling Risk Assessments

In the past 12 months a project was instigated to review and implement a revised risk assessment system for all gambling premises within the Borough. A system is now in effect and all gambling premises within Hammersmith & Fulham are being risk assessed in line with the new criteria. The assessments are based on the following criteria;

- Type of premises
- If alcohol is sold at the premises
- Compliance with licence and relevant codes of practice
- Number of complaints received relating to the premises
- Complainant i.e. a Responsible Authority or an individual.

The assessment determines the risk rating of the premises and consequently when the next inspection should be undertaken. The benefit of such a system is that it allows officers to target high risk premises which require greater attention, while providing a lighter touch for low risk premises which are well run. This is in accordance with the Regulators' Code and our Enforcement policy. This also ensures that the team's resources are more effectively targeted and focused on problem premises within the borough.

4.3 Debt Management

The level of pre 2015/16 licensing debt has continued to reduce and at the end of May 2016, less than 50% of the outstanding debt related to invoices issued in 2015/16. All relevant premises have been sent reminders and officers are continuing the process of issuing suspension notices for those premises that have not paid. The implementation of the new Agresso finance system has had a significant impact on our progress in this area, as highlighted in the recent internal audit and the comments from the finance team.

4.4 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 licensing administration procedures.
- Implementing a system for the timely invoicing of annual fees and recording of invoice details and payments from the council's financial system (Agresso) on to Uniform.
- Creating a specification that will enable an interface between Agresso and Uniform to automate the creation of invoices.
- A review of additional information held for all premises licences to ensure that the rateable value, fee band, VOA reference number, are correct. This will enable application and annual fees to be charged at the correct rate.

- A review of additional information held for premises licences to specify the main use of the premises, whether the primary use is the sale of alcohol, whether the premises are within a cumulative impact zone and whether the premises are subject to any other restrictions.
- Implementing a system to ensure all licensing application fees are reconciled.
- A review of the recording of enforcement complaints, visits and legal actions on Uniform.
- Involvement in the development of iApply, a national web platform which will connect to, and integrate with Uniform, enabling data to be passed directly from the online application form on to Uniform.

Work has been underway to improve the way information is displayed to members of the public and licensees including:-

- A review of licensing webpages for all functions covered by the licensing team, ensuring that web pages are well structured and up to date.
- Improvements to the licensing information displayed on public access including ensuring that licence conditions for all premises are available to view online. The team are also exploring the possibility of making plans attached to licences available online.

This work is still ongoing and further improvements to the management of our electronic records will continue in 2016/17.

On-line Applications

Applicants can now apply and pay online for all types of premises licence applications and temporary event notices. For applications for a new grant, applications to specify the Designated Premises Supervisor and temporary event notices the data completed online is automatically populated into Uniform, providing a more efficient way of working.

4.5 Policy Update

Statement of Licensing Policy

The Licensing Act 2003 (“The 2003 Act”) requires every Council to have a ‘Statement of Licensing Policy’ (“SoLP”) 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 SoLP provides advice and guidance to the Licensing Authority when exercising its statutory functions as a Licensing Authority under the

2003 Act. The SoLP 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, professional advisers, and provides key information to the magistrates' courts hearing appeals against licensing decisions.

The 2003 Act also requires that the Council's SoLP be reviewed via public consultation, formally adopted and published every five years. The review process of the SoLP began in June 2015, as the current SoLP was adopted in July 2012 and therefore any revised policy must be adopted and published by July 2017.

In order to maintain an up to date SoLP a full policy review was commenced in June 2015. The SoLP was updated to reflect changes in licensing laws and the section 182 Guidance, before public consultation.

Following a 16 week consultation period, the draft SoLP was updated in view of the consultation comments received and went before the Community Safety, Environment and Residents Services Policy and Accountability Committee on the 18 November 2015, where it was resolved that the Committee recommend that Council approve and adopt the revised Statement of Licensing Policy.

After that meeting and at the request of Cabinet Members the SoLP was updated further to better reflect the Council's ambitions in areas of economic growth and regeneration and links to other Council policies and strategies e.g. the Arts Strategy.

The business sector is important to local economic growth and so the draft SoLP includes a new 'Support for Businesses' section to encourage businesses to seek our support and advice at an early stage to help them survive and thrive and to highlight our commitment to regeneration and economic development.

The draft revised SoLP went before the Economic Regeneration, Housing and the Arts Policy and Accountability Committee on the 8 March 2016, where it was resolved that the Committee note the contents of the report.

A link to the current policy can be found here: [Statement of Licensing Policy](#). A copy of the current draft, amended Statement of Licensing Policy is attached to this report, as Appendix 2.

Consultation with Cabinet Members and Responsible Authorities is still ongoing and it is likely that there may be further changes before the finalised policy is adopted by Full Council.

All policy changes will need to be agreed and adopted by Full Council by May 2017.

Statement of Gambling Policy 2016

The Council's Statement of Gambling Policy was revised and came in to effect on 04 January 2016. The current Statement of Gambling Principles can be found on the licensing pages on the council website. A link to the Statement of Gambling Principles can be found here: [Statement of Gambling Principles](#)

4.6 Draft Alcohol Licensing Strategy 2016-2019

The 2012-2015 Alcohol Licensing Strategy has been reviewed and a *draft* 2016-2019 strategy has been produced and circulated for comments from the Licensing Committee and key stakeholders.

The new proposed revised LBHF Alcohol Licensing Strategy 2016-2019 Strategic Licensing Goals are:

- (a) Better use of intelligence from reported incidents
- (b) Supporting our businesses and regeneration in the borough
- (c) Supporting and protecting our residents
- (d) Reducing the negative impact of alcohol harm

The draft strategy has also been shared with members of the Crime and Disorder Reduction Partnership (CDRP) for comments.

The draft strategy will be finalised when the Statement of Licensing Policy is agreed, to ensure that both documents are aligned with the council's priorities.

4.7 Licensing Audit

As part of the 2015/16 Internal Audit Plan there was an internal audit on the licensing team in the latter half of 2015.

The findings in the final report gave a limited assurance based on the situation at the time of the audit and in particular issues relating to the implementation of Agresso, which has affected the application processing, income collection, debt recovery and write offs and budgetary control processes. Limited Assurance can be given to Members, the Chief Executive and other officers that the controls relied upon at the time of the audit were suitably designed, consistently applied and effective in their application.

At the time that the audit work was undertaken, the Council was in the process of implementing the Agresso system which impacted on the effectiveness of our existing licensing processes. Officers are currently implementing the specific recommendations in the management action plan where it is within the team's control to make these changes.

4.8 Shared Management Arrangements

The shared management roles have worked well, with the Head of Service, Licensing Manager and Licensing Admin roles being shared across the licensing team for Hammersmith & Fulham and Kensington and Chelsea, with some support from the policy and Projects Officer, mentioned in 4.1.

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

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

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

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

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

- Ongoing work to improve local pubwatch schemes.
- Finalise the Statement of Licensing Policy so that it is adopted by Full Council by May 2017.
- Continue to pursue the accreditation of Trading Standards Officers, so that they can issue Fixed Penalty Notices for the illegal sale of alcohol to underage children.
- Work with business intelligence to improve the crime report information that the team receive.
- Continue to make improvements to the licensing information displayed on Public access.
- Implement the other recommendations from the internal audit.

5. LEGISLATION CHANGES

The Deregulation Act 2015

Deregulation of personal licence renewals came into effect on 1 April 2015 – personal licences are now granted for an indefinite period rather than 10 years.

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 came into effect on 6 April 2015.

Abolition of offence of selling liqueur confectionery to children under 16 came into force on 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 came into force on 26 May 2015.

Increase in number of temporary event notices for a single set of premises in a calendar year from 12 to 15 came into effect on 1 January 2016.

The Licensing Act 2003 (Her Majesty The Queen's Birthday Licensing Hours) Order 2016

Relaxation of the Licensing Hours for Her Majesty The Queen's Birthday- to allow premises to remain open later on the weekend of Her Majesty's official birthday in June. The order will allow licensed premises to extend their opening hours on Friday 10 and Saturday 11 June from 23:00 until 1 am. It will apply to premises licences and club premises certificates in England and Wales, which license the sale of alcohol for consumption on the premises. Those premises will be allowed to remain open without having to notify the licensing authority and the police via a temporary event notice, as would usually be the case. Premises that sell alcohol for consumption off the premises, such as off-licences and supermarkets, are not covered by the Order.

The Legislative Reform (Exempt Lotteries) Order 2016 ("the LRO")

Private society lotteries: These can now be promoted by members of a private society for any charitable or non-commercial purpose - currently lotteries can only be promoted for the purposes for which the society is conducted.

Work lotteries and Residents' lotteries: These lotteries can now be used for fundraising for any purpose other than private or commercial gain. Previously these lotteries could not be used for fundraising and all money collected had to be used for prizes or expenses incurred in organising the lottery.

The requirement for a ticket in the above lotteries to contain certain information has been removed but all other existing rules remain the same.

Incidental non-commercial lotteries: Renamed incidental lotteries, these can be held at both non-commercial and commercial events to raise money for charities and other good causes but they cannot be operated for private or commercial gain. Lottery results can now be announced during or after the

event but all other existing rules remain the same, including the rule requiring that tickets can only be sold at the event and while it is taking place.

6. CONSULTATION

- 6.1. Responsible Authorities, Licensees and other licensing professionals were consulted on the proposed changes to the Licensing Policy, the Statement of Gambling Policy and the draft pool of licensing conditions. In addition, both draft policies were published on the Council's website and members of the public were invited to comment.
- 6.2. Staff members were consulted prior to the implementation of all service improvements.
- 6.3. Members of the Licensing Action Group, which includes the Police and colleagues within the Council's Events team, Noise and Nuisance team, Trading Standards team and Commercial Services team have been consulted about respective elements of this report and provided their input.

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 section 149 of the Equality Act 2010 ("the 2010 Act") to consider how the decisions they make, and the services they deliver, affect people who share any one of the nine protected characteristics as defined under section 149 (1) (7) of the 2010 Act 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.
- 7.2. The Council's statement of licensing policy and statement of gambling policy have low relevance in relation to their impact on the areas under the statutory duties contained in the equalities impact assessment and contribute 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
 - to 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 contained within the body of the report.

- 8.2 Implications verified by Heidi Titcombe - Manager and Principal Solicitor of the Planning, Highways and Licensing Team, Tri-Borough Shared Legal Services, 020 7361 2617.

9. FINANCIAL IMPLICATIONS

- 9.1 There are approximately 884 licensed premises and LBHF has granted 2815 authorisations for personal licence holders under Licensing Act 2003 since 2005.

The amount of licensing debt outstanding increased during 2015-16, due to the delay in recovery caused by the implementation of the new financial systems. This meant that an increased provision for bad debt was required. This addition to the provision was funded corporately.

- 9.2 Implications verified by Amit Mehta- Principal Accountant (Environment), 020 8753 3394.

10. IMPLICATIONS FOR BUSINESS

- 10.1. 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 and annual fees are set by the Secretary of State. Under the Gambling Act 2005 application 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.
- 10.2. Operating without a licence, or in breach of the licence conditions is a criminal offence and substantial fines can be levied by the court on conviction. If breaches are identified a graduated response is taken to try to achieve compliance without resorting to prosecution.
- 10.3 Implications for business in the borough from the proposed revisions to policy and service delivery are considered to be positive.
- 10.4 The draft SoLP has been revised to reflect the recent changes in the latest version of the Secretary of State's Guidance to Licensing Authorities and licensing laws, to ensure that it includes the most current information which will be helpful advice for businesses.
- 10.5 The new 'Support for Local Businesses' section will hopefully encourage businesses to approach the Council for advice and support and work towards a more collaborative approach to providing support, helping local businesses to thrive and provide a diverse range of services.
- 10.6 The review of the cumulative impact policies may be viewed as having a positive impact for potential new businesses who may currently have

reservations about applying for a licence in the Shepherds Bush or Fulham Broadway areas.

11. OTHER IMPLICATION PARAGRAPHS

- 11.1. Successful management of the application processing, consultation, collection of annual fees is reliant on suitable IT provision and ongoing support and development.
- 11.2. All IT systems used by the team are provided and supported by the Council's IT business partners.
- 11.3 The failure to meet new and existing statutory requirements is specifically addressed in the Environmental Health Service Group's risk register. Controls in place to mitigate this risk include training, internal auditing, periodic updates of the scheme of delegation and the business planning process.

12. BACKGROUND PAPERS USED IN PREPARING THIS REPORT

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

LIST OF APPENDICES:

Appendix Number	Description
Appendix 1	Applications heard at Sub Committee in 2015/16
Appendix 2	Current draft, amended Statement of Licensing Policy