



Licensing Committee

Agenda

Wednesday 9 July 2014

7.00 pm

Committee Room 1 - Hammersmith Town Hall

MEMBERSHIP

Administration:	Opposition
Councillor Alan De'Ath (Chair) Councillor Daryl Brown (Vice-Chair) Councillor Colin Aherne Councillor Michael Cartwright Councillor Hannah Barlow Councillor Iain Cassidy Councillor Larry Culhane Councillor Vivienne Lukey Councillor Guy Vincent	Councillor Michael Adam Councillor Adronie Alford Councillor Belinda Donovan Councillor Steve Hamilton Councillor Alex Karmel Councillor Jane Law Councillor Frances Stainton

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Date Issued: 01 July 2014

Licensing Committee Agenda

9 July 2014

<u>Item</u>		<u>Pages</u>
1. MINUTES		1 - 4
	To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 10 July 2013.	
2. APOLOGIES FOR ABSENCE		
3. DECLARATIONS OF INTEREST		
	<i>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</i>	
	<i>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</i>	
	<i>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</i>	
	<i>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</i>	
4. ANNUAL LICENSING REPORT		5 - 27
	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 2013/14, an update on service improvements, the Alcohol Licensing Strategy 2012 – 2015, the Licensing Team Service Review and legislative changes.	



London Borough of Hammersmith & Fulham

Licensing Committee Minutes

Wednesday 10 July 2013

PRESENT

Committee members: Councillors Peter Graham (Chairman), Michael Cartwright, Steve Hamilton, Wesley Harcourt, Lucy Ivimy (Vice-Chairman), Caroline Needham, Matt Thorley, Daryl Brown and Charlie Dewhirst

Officers and Guests: Patrick Crowley, Licensing Team Manager; Lewis Aldous and Lisa White, Licensing Officers; Police Sergeant Stuart Ratcliffe, Metropolitan Police; Alex Russell, Environmental Services Lawyer; Valerie Simpson, Head of Licensing and Trading Standards; and Daniel McArthur, Committee Coordinator

1. MINUTES

RESOLVED THAT:

The minutes of the meeting held on Wednesday 11 July 2012 be confirmed and signed as an accurate record of the proceedings.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alford, Brocklebank-Fowler, Carlebach, Crofts, Dewhirst, G. Donovan, Karmel and Aherne.

Apologies for lateness were received from Councillor Thorley.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. ANNUAL LICENSING REPORT

Valerie Simpson, Head of Licensing and Trading Standards presented the annual licensing report, which gave an overview of the licensing team's performance over the last 15 months.

She said that the number of applications for new premises licences had decreased, but the number of applications for Temporary Event Notices (TENs) had increased. It was thought that this increase was partly due to a change in the

regulations, and partly an effect of the Olympics. The number of review hearings had decreased relative to 2011/12, and this was thought to be because more premises are being compliant. There had been several successful prosecutions of premises.

Ms Simpson also noted that service improvement work had been ongoing, in order to improve the public face of the service, make it easier for the public and the police to search for licenses and make online applications. In response to a question from Councillor Thorley, Lewis Aldous, Licensing Officer, said that all existing licenses can be viewed online.

Councillor Harcourt noted an increase in the number of betting shops in the borough. He asked whether the authority had considered taking steps to prevent the proliferation of betting shops, as had been done in the London Borough of Newham.

Ms Simpson said that, in its capacity as a licensing authority, the Council was constrained in its attempts to limit the number of betting shops that open in the borough because each application has to be considered on its own merits. However, she emphasised that licensing worked closely with planning on gambling applications, and she attended the Council's business strategy group, which was taking positive steps to encourage new businesses to the area.

Sergeant Stuart Ratcliffe of the Metropolitan Police said that, based on the records he kept, gambling premises were not associated with high levels of crime and disorder. Councillor Cartwright agreed that there were not high numbers of crimes in gambling premises, but pointed out that in his role as a magistrate he saw large numbers of people in court who had lost their money in betting shops.

Councillor Needham said that there was a misconception amongst the public that their views would be taken into account in relation to licence applications under the Gambling Act 2005 in the same way as they are considered under the Licensing Act 2003. She also said that gambling was associated with domestic violence and other forms of abuse. Councillor Ivimy agreed, saying that these concerns had not been taken into account under the Gambling Act.

The Chairman said that the concerns of the committee had been noted.

Sergeant Ratcliffe provided an update on the activities of the police over the previous year. He thanked the committee for their work over the previous year. He said that despite the challenges presented by the Olympics, which had put a strain on police resources, there had been 200 fewer offences (a 9.5 % reduction) in Licensed premises in Hammersmith in Fulham compared to the previous year. Performance in more recently had been impressive, and there had been a 36% reduction in crime across all licensed premises. The 10 premises in the borough which had seen the most offences in the last 3 months had only seen between 5 and 9 offences, with the higher figures seen in the case of very large premises such as the Hammersmith Apollo.

Sergeant Ratcliffe emphasised the use of action plans as a way of managing problematic premises. He described it as a relatively informal intervention, like

performance management, where the police go to a premises, inform them of their concerns and tell them how to resolve the problems they face. A large number of premises in the borough had been on action plans at one time or another.

He then described 'Operation Condor'- which comprised a number of whole weekend partnership operations involving the police, environmental health, trading standards and safer neighbourhoods teams. He felt that these exercises had obtained very positive results.

He said that several key reviews had been heard in the last year, dealing with some premises which were seen as causing persistent problems to the police.

Councillor Dewhirst asked whether having all of the borough's 3 football teams in the premiership the previous season had caused extra problems for the police. Sergeant Ratcliffe said that it had not, because the problems caused by Championship games are not dissimilar. A series of reviews in the Shepherd's Bush area that had taken place the previous year had fundamentally improved conditions in the Uxbridge Road area.

The Chairman and committee thanked Sergeant Ratcliffe for his work over the year.

Alex Russell, Environmental Services Lawyer, provided an update on appeals against sub-committee decisions. He welcomed the use of action plans by the police, as they provide a useful evidence base which can be drawn on both in reviews, and when decisions come to appeal. He provided a quick summary of the cases that had come to review, noting that premises often withdrew their appeals not long before they were due to be heard. He noted that the case law regarding appeals has not moved on much, and emphasised to members the importance of giving as many reasons as possible for decisions.

Valerie Simpson briefed the committee on the bi-borough service review. The review had involved a comparison of the Hammersmith and Fulham and Kensington and Chelsea licensing teams, and a number of proposals for service reorganisation had been considered. It had been found, for example, that having licensing officers working in a different section from the administration/processing teams caused problems.

Ms Simpson introduced Patrick Crowley, who would be the new bi-borough Licensing manager. He was a 50:50 H&F/ RBKC appointment. The two boroughs had very similar numbers of premises. The reorganisation had reduced the number of posts in the RBKC team by two, and the H&F team by one. Licensing officers from the two boroughs would be able to share experience, and work jointly. However, the separate sovereignty of the two boroughs would be retained, and Licensing Sub-Committees would be serviced separately.

RESOLVED THAT:


The report be noted.

Meeting started: 7:00 pm
Meeting ended: 7:40 pm

Chairman

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Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

	<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">LICENSING COMMITTEE</p> <p align="center">9 July 2014</p>
<p>TITLE OF REPORT: ANNUAL LICENSING TEAM UPDATE</p>	
<p>Report of the Divisional Director</p>	
<p>Open Report</p>	
<p>Classification - For Information and Comment</p> <p>Key Decision: No</p>	
<p>Wards Affected: All</p>	
<p>Accountable Executive Director: Nigel Pallace, Executive Director, Transport and Technical Services</p>	
<p>Report Author: Patrick Crowley, Lisa White, Adrian Overton, Sharon Dyball, Alex Russell and Valerie Simpson</p>	<p>Contact Details: Valerie Simpson, ext: 3905 and Patrick Crowley 020 7341 5601</p>

1. EXECUTIVE SUMMARY

- 1.1 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 2013/14, an update on service improvements, the Alcohol Licensing Strategy 2012 – 2015, the Licensing Team Service Review and legislative changes.
- 1.2 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.

2. RECOMMENDATIONS

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

3. NEXT STEPS

- 3.1 Recommendations 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 2013 and 31st March 2014.
- 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 Bi-Borough Service Review for the Licensing Teams in the London Borough of Hammersmith and Fulham (LBHF) and the Royal Borough of Kensington and Chelsea (RBKC).
- 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.
- 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 three Licensing Officers and the Bi-borough Licensing Manager. Since the end of December 2013 there has been one vacancy for a Licensing Officer and difficulties in replacing him have led us to agreeing a secondment from the Royal Borough of Kensington and Chelsea to assist the two remaining Licensing Officers for a twelve month period. At the end of this period we anticipate recruiting a full time Licensing Officer.

Currently the processing of licences is carried out by two officers in one of the departmental Technical Support Teams, who have had specific licensing training as part of the in-house arrangements to provide technical administrative support for the Licensing Team. These two officers will be incorporated into the Licensing Team during 2014 and co-located with the RBKC Licensing Team in the Kensington and Chelsea offices in Pembroke Road. This will allow the Licensing Team to move to a structure, whereby the Licensing Officers, will reduce the level of administration that they currently carry out and allow them to focus on committee meetings, enforcement and supporting businesses to achieve compliance.

The team also employs one officer as part of the Council's 'intern' scheme dealing with invoicing and debt recovery of annual licensing fees.

3.2 Team performance, work activity and key achievements in 2013/14

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 2014, the authority had 980 licensed premises and had granted 2446 authorisations for personal licence holders under the Licensing Act 2003.

Tables 1 - 4 below illustrate the Licensing Authority's performance during 2013/14. Data from 2012/13 has been included for comparison purposes.

Applications

Table 1: Licence/authorisation type	No. of applications received	
	2012/13	2013/14
New premises licences applications	48	58
New personal licences applications	176	193
Premises licence Full variation applications	29	29
Premises licence Minor variation applications	24	24
Designated premises supervisor (DPS) variations applications	177	192
Transfers of premises licences applications	55	54
Temporary event notices (TENS) / Late Temporary event notices	626	525

The data in Table 1 shows that there was a 16% reduction in the number of temporary event notices received from the previous year 2012/13.

There has been an overall increase of approximately 10% in the number of new personal licences and a 21% increase in the number of new premises licences.

Of the 525 Temporary Event Notices 135 were submitted under the Late Temporary Event Notice provisions.

Sub Committee Hearings

In 2013/14 a total of 24 licensing sub committee sittings took place for new, variation and review applications, in comparison to 32 in 2012/13. 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
2012/13	12	6*	18
2013/14	6	9	15

*one of the variation applications was withdrawn

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
2012/13	0	6	6	12	0	2	3	5
2013/14	0	6	0	6	6	0	3	9

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
2012/13	15*	0	8	4	0	3	4
2013/14	8*	0	6	1	1	1	1

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

In 2013/14, there was an additional hearing to consider a representation against interim steps which were imposed on 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 2012/13 that the number of reviews has decreased in 2013/14. This is due to the fact that the work of the team in 2013/14 was more targeted and focussed and was very effective in dealing with many of the problems associated with licensed premises.

The 2013/14 reviews were in the main called by the Metropolitan Police and supported by the Noise and Nuisance Team and Trading Standards.

There were an additional 4 sub-committee hearings in 2013/14, 3 in relation to opposed temporary event notices and 1 in relation to the renewal of 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.

- **Raving Buddah, 77 Goldhawk Road**

Appeal received against the decision to attach conditions to the premises licence following a review application made by the Police. Previous tenants of the premises were removed and the premises reverted back into a pub called the Prince. An agreement was subsequently reached between the Council and the new licensee and in June 2013 a consent order was signed, without the need for an appeal hearing.

- **Lala, Blacks Road, W6**

Appeal received against the decision to reduce the hours, remove regulated entertainment and attach conditions. The review was brought by the police following several violent incidents. After the first day of the hearing negotiations were entered into and an agreement was made and a consent order drafted. Neither party were to receive costs. However, during the review process the licence holder continuously made enquiries to the Council submitting that the review application was invalid. This accusation was eventually dropped prior to the hearing, however, having reviewed all the correspondence between the Council and the applicant the Judge awarded the Council costs of £6445.00

- **Wilton Arms, 203 Dawes Road, SW6**

Appeal submitted by the licence holder following the revocation of the licence by Committee after hearing a summary review application submitted by the police. The licence holder later withdrew the Appeal prior to the first date of hearing.

- **Pepe Piri Piri, 607 Fulham Road, SW6**

Appeal submitted following the Committee's decision to refuse the variation of the premises licence. Negotiations were entered into and an agreement was reached to allow a licence for late night refreshment until 01:00 Friday and Saturday, the application for Thursday night was dropped. A Consent Order confirming the terms of the agreement was signed by the Court without the need for an appeal hearing.

- **Olympia Food and Wine, 9 Hammersmith Road**

The premises licence was revoked following 32 separate licensing offences and a sale of alcohol to a child, all in the space of 6 months. An appeal was lodged at the Magistrates Court and scheduled for a two day. In light of a new application for similar licence which was granted

without objection the Appeal was withdrawn. The licence holder agreed to pay £1700 towards the Council's costs.

- **Eroma, 182 Uxbridge Road, W12**

Appeal against the decision of the Committee to reduce the licensable hours following a review application submitted by the Metropolitan Police in October 2012. The Police evidence outlined a history of violence at the premises, including three stabbings and several violent assaults in 2012. These included a customer being stabbed at the café with a knife from the premises' own kitchen.

The applicant appealed the decision and then withdrew the appeal the day before the hearing and as such the premises now operate in accordance with the Committee's original decision. Both parties covered their own costs.

- **Nisa Local, 94 North End Road, W14**

Appeal against the decision to refuse an application for a 24/7 licence. The Committee did however grant a licence from 11am-11pm. Various visits were made to the premises and on each occasion they were found to be in breach of their licence. After the first day in court the applicant decided to withdraw the appeal, and costs of £13,5000 were awarded to the Council.

Inspection and Enforcement

Table 5: Inspection and Enforcement	Total Number	
	2012/13	2013/14
Number of visits to businesses	200	170
Number of complaints received / investigated	143	131
Number of commenced investigations	88	63
Number of prosecution cases sent to Legal Services	2	5
Number of S19 Closure Notices	7	7
Number of S161 Closure Orders	2	0
Number of simple cautions	2	3
Number of letters of warning	77	40

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 Operation Condor since it was launched in February 2012 to tackle unlicensed activity around the capital, and to crack down on licensing issues affecting the borough.

Operation Condor - 13th /14th September 2013, and 23rd/24th May

This Met-wide Police operation took place on the 13th and 14th September. Licensing officers assisted the Police with visits to licensed premises across the borough. Licensing officers visited 31 premises on Friday 13th September. These premises included off licences, pubs, restaurants and late night refreshment premises. 8 warning letters were issued for breaches of licensing conditions.

On the 23rd May a further 12 high risk premises were visited. Licensing officers also assisted the Police with two drugs warrants at licensed premises which resulted in two arrests for the possession of drugs, one of the persons arrested was the manager of the premises.

Other Enforcement work

The licensing team were present during an operation on one of the Borough's problem premises. In April 2013 a drugs warrant was executed at the premises, officers then entered the premises and undertook a licensing inspection. During the operation the licence holder was arrested and numerous breaches of the licence conditions were witnessed. A Section 19 Closure Notice was issued and the premises licence was later revoked by Committee.

In total between March 2013 and April 2014 the licensing team conducted a total of 63 investigations, of which 40 resulted in warning letters, 8 licence holders were issued verbal warnings, 3 premises received simple cautions, 7 premises received a Section 19 Closure Notice and five investigations resulted in a formal prosecution.

A total of 4 prosecution's were concluded in 2013/14, the results of which are summarised below

- **Hair of the Dog, 401 North End Road,**

Joint Trading Standards and Licensing prosecution case. The defendant was prosecuted for trademark offences (in relation to 80 bottles of counterfeit Jacob's Creek wine) and breaches of licensing conditions. On 1st October 2013 this case was heard at Hammersmith Magistrates Court. The licence holder was in attendance, represented by Counsel. The defendant entered a Guilty Plea to all the offences - 15 in total. The Defendant was ordered to pay the prosecution's costs in the sum of £3000. A fine of £2350 was also imposed.

- **Mix Food & Wine, 299 North End Road, W14 9NS** (September 2013) The licence holder has a history of Trading Standards and Licensing Offences, and was prosecuted in October 2012 for various offences including out of hours sales and an underage sale. He was given a community order, a 3 month tag and curfew and a conditional discharge for the underage sale. His personal licence was suspended for 3 months.

In September 2013 he was found guilty in his absence of the sale of alcohol to a minor by a member of his staff, and was sentenced in his absence on Tuesday 28th January. For the offence of selling alcohol to an underage person, Mr Shamal was fined £1,000, and for the offence of selling alcohol without a responsible person being present he was fined £200. Costs of £3,200 were awarded to London Borough of Hammersmith & Fulham and Mr Shamal's personal licence was revoked.

- **Supersave, 94-96 North End Road, W14** (April 2013) After hours sale of alcohol. Licence holder left the country and was made to come to court upon his return. The defendant pleaded guilty and was given a conditional discharge.
- **Maremoto, 562 King's Road, SW6** (August 2013) Six breaches of conditions and an offence relating of a Regulation from unfair Trading, Regulation 2008. Licence holder pleaded guilty to all offences, and was fined £450 and ordered to pay £5470 costs.

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	
	2012/13	2013/14
Adult Gaming Centres	11	6
Betting Shops/ Track Betting	61	51
Bingo	4	4
Total	76	61

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.

3 new Betting Premises Licences were issued in 2013/14. These applications were advertised in accordance with the Gambling Act 2005 and no representations were received.

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 2013/14.

3.3 Service Improvements

Updated Public Access System

In 2013/14, improvements were made to the Council's Public Access system to allow users to view premises licence details and current licence applications online. This involved significant changes to the system to ensure that current data is being displayed, changes to the licensing procedures and processes and further training for officers.

The improvements have resulted in the following:

- § Users can submit comments online relating to a current application;
- § Users can also view details of granted licences, such as the activities, times granted, contact information for the licence holder and any important dates such as the date of hearing or closing date for consultation; and
- § The current licensing database system was adapted to capture all the required data for integration.

The project was challenging for the team, however the public access system is now live and users can currently view 42 types of licence application online. In addition, processes and procedures have been updated to ensure that a more streamlined and efficient service is provided. The project is ongoing and will continue throughout 2014/15 to improve our online service and in-house processes.

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.

The project to implement further integration between the online applications and licensing database is on-going and we expect that the majority of Premises Licence application forms will be fully integrated with the licensing database in the coming year.

3.4 Policy Update

Statement of Licensing Policy 2011 (revised July 2012)

There have been no changes since the last committee. The Policy can be found on the licensing pages on the council website. A link to the policy can be found here: [Statement of Licensing Policy](#)

Statement of Gambling Principles 2013

There have been no changes since the last committee. The 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](#)

3.5 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 2013/14	Target	Actual number of attempts	Number of sales
Underage Sales Alcohol	10	71	16
Underage Sales Knives	10	5	0
Underage Sales Tobacco	10	13	0

In addition, 6 spirit measures were checked, all of which were found to be correct, and 5 Fixed Penalty Notices (FPNs) were issued for underage sales of alcohol,

Priorities for the next 6 months (in addition to bi-borough, current investigations and enforcement)

- § Ongoing work to improve local pubwatch schemes.
- § Licensing officers to receive training about being more intelligence led.
- § Residents associations to be contacted, so that they can be better informed about licensing issues.
- § 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 slight improvements to the licensing information displayed on Public access.

3.6 Service Review

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 begun to be realised. Further benefits and service improvements will be able to be progressed when the integrated Licensing Admin team is in place and officers are co-located.

4. LEGISLATION CHANGES

The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.

This Order came into effect on 27 June 2013 and deregulates the following:

- Plays and Dance for audiences not exceeding 500, between the hours of 08:00 and 23:00 (save for dancing covered by the Local Government (Miscellaneous Provisions) Act 1982).
- Indoor sports for audiences not exceeding 1000 between 08:00 and 23:00
- Combined fighting sports will continue to be regulated.

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 2.

Further deregulation

It is anticipated that further legislative changes and consultation may take place over the next 12 months. Proposed changes are summarised below although some may not take place:

- The Live Music licensing suspension will be extended from 200 to 500 persons in licensed premises and workplaces.
- A recorded music licensing suspension will be implemented for up to 500 persons in licensed premises.
- All Schedule 1 events run by local authorities on local authority premises will be de regulated (no audience threshold)

- All Schedule 1 events run by schools, nurseries and hospitals on their own premises will be deregulated (no audience threshold)
- Live and recorded music in community venues (church halls, village halls and community centres) will be suspended subject to a 500 person limit.
- Live music and recorded music to be deregulated in premises owned by local authorities, schools, nurseries and hospitals with the specific permission of that authority.
- Live Music, Performance of Dance, Performance of Plays and Indoor sports will be deregulated for circuses.
- A consultation in 2013/14 concerning the possible deregulation of films in community premises.

Should any changes be required, this will be delivered by primary legislation.

The Local Government (Miscellaneous Provisions) Act 1982

The Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) provides that the operators of sex establishments (a term including sex shops) in the areas of local authorities which have resolved that Schedule 3 of the Act is to apply to their area must have a licence. Schedule 3 of the Act empowers local authorities to determine and charge a reasonable fee for the licence. It was intended that the fee for licences for sex establishments should cover the cost of the licensing operation and its enforcement.

A recent licensing case in the Court of Appeal has reinforced the fact that since the implementation in the United Kingdom of Directive 2006/123/EC (“the Services Directive”) on 28 December 2009, the Council can only charge for the costs of processing the application itself and the costs of monitoring compliance by licence-holders. The Council is not entitled to include the costs of enforcement against unlicensed operators.

The licensing team reviews all fees annually and will continue to do so in light of this recent judgement, which is still subject to appeal. The appeal is due to be heard in the Supreme Court over 2 days in January 2015.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 5.1 There are approximately 980 licensed premises and LBHF has granted 2446 authorisations for personal licence holders under Licensing Act 2003 since 2005.

Funding of £20,500 has been provided to fund an intern to undertake Licensing debt management responsibilities in-house. This has resulted in improved debt recovery processes for the annual invoicing and collection of annual premises licences fees.

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

- 6.1 There are no legal implications arising from the body of this report

7. CONCLUSION

- 7.1 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.

List of Appendices

Appendix Number	Description
Appendix 1	Applications heard at Sub Committee in 2013/14
Appendix 2	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		

Appendix 1- Applications Heard at Sub-Committee in 2013-14

List of Applications

Date of Hearing	Premises	Postcode	Type	Ward	Decision	Description
24/04/2013	Raving Buddha, 77 Goldhawk Road, W12 8EG (W12	Review		Agree	The Sub-Committee received an application for review of the premises licence made by the Metropolitan Police, with additional conditions requested.
01/05/2013	La La, 1 Balcks Street, W6 9DX	W6	Review		Agree	The Sub-Committee received an application for review of the premises licence made by the Metropolitan Police, with additional conditions requested.
09/05/2013	Raven 375 Goldhawk Road, W9 OSA	W6	Variation to existing premises licence		Agree	The Sub-Committee received an application for a variation of the conditions of an existing premises licence.
10/05/2013	Secrets, 62 Glenthorne Road, W6 OLR	W6	Renewal		Agree	The Sub-Committee received an application for the renewal of the sex entertainemnt venue licence.
10/05/2013	Chosen Bun, 647 Fulham Road, SW6 5PU	SW6	New Premises Licence		Agree	The Sub-Committee received an application for a new premises licence.
24/07/2013	FM Bar, 184 Uxbridge Road W12 7JP (2013/00898/LAPR)	W12	Variation to existing premises licence	Shepherd's Bush Green	Agree	The Sub-Committee received an application for a variation of the conditions of an existing premises licence.
28/08/2013	Fairway Foods, 20 Shepherd's Bush Road, W6 7PJ (Application Number:2013/01122/LAPRR)	W6	Review	Addison	Agree	The Sub-committee received an application for review of the premises licence made by the Metropolitan Police.

17/09/2013	Putney News, 7 Putney Bridge Approach, London, SW6 3JD (Application Number 2013/01008/LAPR)	SW6	Variation to existing premises licence	Palace Riverside	Agree	The Sub-Committee received an application for a variation of the conditions of an existing premises licence.
17/09/2013	Super N Save, 70 Uxbridge Road, London, W12 8LP (Application Number: 2013/01241/LAPRR) (Application Number:2013/01268/LAPR) (Application Number: 2013/01289/LAPR)	W12	Review Variation to existing premises licence Transfer of existing licence	Shepherd's Bush Green	Adjourn	The Sub-committee received an application for review of the premises licence made by the Metropolitan Police.
19/09/2013	Ajazz, 85 Goldhawk Road, London, W12 8EG (Application Number: 2013/01214/LAPRR)	W12	Review	Hammersmith Broadway	Agree	The Sub-committee received an application for review of the premises licence made by the Metropolitan Police, with condition.
19/09/2013	Olympia Wines, 9 Hammersmith Road, London, W14 8XJ (Application Number:2013/01212/LAPRR)	W14	Review	Avonmore and Brook Green	Agree	The Sub-committee received an application to revoke the premises licence made by the Metropolitan Police.
03/10/2013	Kona Kai, 515 Fulham Road, London, SW6 1HD (Application Number: 2013/01238/LAPR)	SW6	Variation to existing premises licence	Parsons Green and Walham	Refuse	The Sub-Committee received an application for a variation to an existing premises licence to extend the opening hours.
18/10/2013	Pepe Piri Piri, 607 Fulham Road, London, SW6 5UA	SW6	Variation to existing premises licence	Town	Refuse	The Sub-Committee received an application for a variation to an existing premises licence.

29/10/2013	Hammersmith Apollo, Queen Caroline Street, London, W6 9QH (Application Number: 2013/01334/LAPR)	W6	Variation to existing premises licence	Hammersmith Broadway	Agree	The Sub-Committee received an application for a variation to an existing premises licence to increase the capacity for stalls standing shows, with additional conditions.
29/10/2013	Super N Save, 70 Uxbridge Road, London, W12 8LP (Application Number: 2013/01241/LAPRR) (Application Number:2013/01268/LAPR) SUPER N SAVE, 70 UXBRIDGE ROAD, LONDON, W12 8LP (Application Number: 2013/01289/LAPR)	W12	Review Transfer of existing premises licence change of designated premises supervisor	Shepherds Bush Green	agreed the amended police application the Police withdrew representation and the applicant withdrew their application. the Police withdrew representation and the applicant withdrew their application	The Sub-committee received an application for review of the premises licence made by the Metropolitan Police.
11/11/2013	Temperance, 90 Fulham High Street, London, SW6 3LF (Application Number: 2013/01444/LAPR)	SW6	Variation to existing premises licence	Palace Riverside	Agree	The Sub-Committee received an application for a variation to an existing premises licence for the sale of alcohol, with additional conditions.
18/11/2013	LaLa Restaurant, 1 Blacks Road, London, W6 9DT (Application Number: 2013/01711/LAPRR)	W6	Review	Hammersmith Broadway	Agree	The Sub-Committee received representation against the interim steps imposed and proposed modification, with additional condition.
26/11/2013	London Cru, 21-27 Seagrave Road, London, SW6 1RP	SW6	New Premises Licence	Fulham Broadway	Agree	The Sub-Committee received an application for a new premises license, with conditions.

04/12/2013	LaLa Restaurant, 1 Blacks Road, London, W6 9DT (Application Number: 2013/01711/LAPRR)	W6	Review	Hammersmith Broadway	Agree	The Sub-Committee received an application for review of the premises licence made by the Metropolitan Police, with additional conditions requested.
12/12/2013	Play Football, Hammersmith Park, South Africa Road, London (Application Number:2013/01590/LAPR)		New Premises Licence	Shepherds Bush Green	Agree	The Sub-Committee received an application for a new premises license, with conditions.
12/12/2013	Broadway Bar & Grill, 474-476 Fulham Road, London SW6 1BY	SW6	TEN	Fulham Broadway	Agree	The Sub-committee received an application for a temporary event notice (TEN), with conditions.
12/12/2013	Broadway Bar & Grill, 474-476 Fulham Road, London Sw6 1BY	SW6	TEN (3)	Fulham Broadway	Agree	The Sub-committee received an application for a temporary event notice (TEN), with conditions.
17/12/2013	The Springbok, 51 South Africa Road, London, W12 7PA (Application Number: 2013/01585/LAPR)	W12	Variation to existing premises licence	Shepherds Bush Green	Agree	The Sub-Committee received an application for a variation of an existing premises license to add the provision of recorded music as a licensable activity, with conditions.
17/12/2013	Loft Studios, 77 - 87 Scrubs Lane, NW10 6QW	NW10	TEN	College Park and Old Oak	Agree	The Sub-committee received an application for a temporary event notice (TEN), with conditions.
07/01/2014	Bonema Restaurant, 262 King Street, London, W6 0SP (Application Number:2013/01594/LAPR)	W6	New Premises licence	Ravenscourt Park	Agree	The Sub-Committee received an application for a new premises license, with conditions.
03/02/2014	Sainsbury's, 48-50 Shepherd's Bush Road, London, W6 7PH (Application Number: 2013/01717/LAPR)	W6	New Premises Licence	Addison	Agree	The Sub-Committee received an application for a new premises license, with conditions.

04/03/2014	SW6 Gallery Cafe, 275 Lillie Road, Fulham, SW6 7LL	SW6	Variation of a Premises Licence	Munster	Refuse	The Sub-Committee received an application for a variation of a premises licence for the sale of alcohol.
26/03/2014	Plum Lines, 300 King Street, London, W6 0RR	W6	New Premises Licence	Ravenscourt Park	Agree	The Sub-Committee received an application for a new premises license, with conditions.

Cancelled Hearings

Withdrawals (Scheduled for hearing and not heard)	Date Scheduled	Withdrawn By
Raving Buddha, 77 Goldhawk Road, London, W12 8EG	19/04/13	
McDonalds 88-89 Uxbridge Road London W12 8LR	19/06/2013	
Ajazz, 85 Goldhawk Road, W12 8EG	05/07/2013	
Fairway Foods, 20 Shepherd's Bush Road, W6 7PJ	05/07/2013	

Putney News, 7 Putney Bridge Approach, SW6 3JD	04/09/2013	
Subway, 20 Shepherd's Bush Green, London, W12 8PH	04/12/2013	The applicant agreed conditions with the police and the objectors. The application therefore was no longer required to be considered.
Capital Restaurant, 30 Hammersmith Broadway, London, W6 7AB (Application Number: 2013/01591/LAPR)	17/12/2013	The applicant.
The Finbury, 203 - 205 Dawes Road, London, SW6 7QY	16/01/2014	
West Food and Wine, 70 Glenthorne Road, London, W6 0LR	04/03/2014 and 26/03/2014	All representations were withdrawn following amendment of the application.

Appendix 2 - Mandatory Conditions in effect from May 2014

Minimum Price of Alcohol	
<p>1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>2. For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula—</p> $P = D + (D \times V)$ <p>where—</p> <p>(i) P is the permitted price,</p> <p>(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and</p> <p>(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—</p> <p>(i) the holder of the premises licence,</p> <p>(ii) the designated premises supervisor (if any) in respect of such a licence, or</p> <p>(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;</p> <p>(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and</p> <p>(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.</p> <p>3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole</p>	<p>Applies to all premises licences and club premises certificates which permit the sale or supply of alcohol ON or OFF the premises – In effect from 28 May 2014</p>

<p>number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.</p> <p>4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.</p> <p>(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.</p>	
<p>No Irresponsible Drinks Promotions</p> <p>(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;</p> <p>(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—</p> <p>(i) the outcome of a race, competition or other event or process, or</p>	<p>Applies to all premises licences and club premises certificates which permit the sale or supply of alcohol ON the premises –</p>

<p>(ii) the likelihood of anything occurring or not occurring;</p> <p>(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.</p>	
<p>No Dispensing of Alcohol</p> <p>The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).</p>	<p>Applies to all premises licences and club premises certificates which permit the sale or supply of alcohol ON the premises –</p>
<p>Free Tap Water</p> <p>The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.</p>	<p>Applies to all premises licences and club premises certificates which permit the sale or supply of alcohol ON the premises –</p>
<p>Age Verification Policy</p> <p>(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.</p> <p>(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.</p>	<p>Applies to all premises licences and club premises certificates which permit the sale or supply of alcohol ON or OFF the premises –</p>
<p>Small Measures to be Available</p> <p>The responsible person shall ensure that–</p> <p>(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–</p> <ul style="list-style-type: none"> (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and <p>(b) customers are made aware of the availability of these measures.</p>	<p>Applies to all premises licences and club premises certificates which permit the sale or supply of alcohol ON the premises –</p>

<p>Requirement for a DPS</p> <p>(1) No supply of alcohol may be made under the premises licence-</p> <ul style="list-style-type: none"> (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. <p>(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.</p>	<p>Applies to all premises licences which permit the sale of alcohol ON or OFF the premises.(Community premises can apply for this condition to be dis-applied)</p> <p>-</p>
<p>Door Supervisors and Security Staff to be Licensed by the SIA</p> <p>Where the licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority, with the following exceptions:</p> <ul style="list-style-type: none"> a) premises where the premises licence authorises plays or films b) any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or c) any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001 	<p>Any premises licence which requires by way of condition door supervisors or other security staff to be employed. –</p>
<p>Film Classification</p> <p>(i) The admission of children to the exhibition of any film must be restricted in accordance with the recommendation of the designated film classification body unless section (ii) applies.</p> <p>(ii) Where the licensing authority notifies the holder of the licence that this subsection applies the admission of children must be restricted in accordance with any recommendation made by the licensing authority.</p> <p>In this section-</p> <p>"children" means persons aged under 18; and</p> <p>"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).</p>	<p>Any premises licence which authorises Film Exhibitions -</p>