

# **Licensing Committee**

### **Agenda**

Monday 15 February 2021 6.30 pm Online - Virtual Meeting

#### **MEMBERSHIP**

Administration:	Opposition:
Councillor Natalia Perez (Chair)	Councillor Victoria Brocklebank-Fowler
Councillor Fiona Smith (Vice-Chair)	Councillor Frances Stainton
Councillor Colin Aherne	Councillor Matt Thorley
Councillor Wesley Harcourt	
Councillor Rachel Leighton	
Councillor David Morton	
Councillor Zarar Qayyum	
Councillor Matt Uberoi	
Councillor Asif Siddique	
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Members of the press and public can watch the meeting on YouTube: <a href="https://youtu.be/LyfOFR7EtWE">https://youtu.be/LyfOFR7EtWE</a>

Date Issued: 15 February 2021

# Licensing Committee Agenda

#### 15 February 2021

<u>Item</u> <u>Pages</u>

#### 1. APOLOGIES FOR ABSENCE

#### 2. ROLL-CALL AND DECLARATIONS OF INTEREST

To confirm attendance, the Chair will perform a roll call. Members will also have the opportunity to declare any interests.

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.

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.

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.

Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.

3. MINUTES 4 - 8

To approve as an accurate record, and the Chairman to sign, the minutes of the meeting of the Committee held on 25 June 2019.

## 4. ANNUAL LICENSING COMMITTEE REPORT APRIL 2019 TO MARCH 2020

This report has an appendix that contains information exempt within the

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meaning of Schedule 12A to the Local Government Act 1972 and is not for publication. The appendix has been circulated to the committee members only.

Any discussion on the contents of an exempt appendix will require the Committee to pass the proposed resolution at the end of the agenda to exclude members of the public and press from the proceedings for that discussion.

- 5. POOL OF CONDITIONS VERBAL UPDATE
- 6. LICENSING POLICY AND CIP POLICIES VERBAL UPDATE
- 7. ENFORCEMENT HISTORY IN SUB-COMMITTEE REPORTS VERBAL UPDATE
- 8. DISCUSSION OF EXEMPT ELEMENTS

  LOCAL GOVERNMENT ACT 1972 ACCESS TO INFORMATION

#### **Proposed resolution:**

Under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of the following items of business, on the grounds that they contain the likely disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of the said Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

London Borough of Hammersmith & Fulham

# Licensing Committee Minutes



Tuesday 25 June 2019

#### **PRESENT**

**Committee members:** Councillors Natalia Perez (Chair), Fiona Smith (Vice-Chair), Colin Aherne, Wesley Harcourt, Rachel Leighton, Zarar Qayyum, Asif Siddique and Matt Thorley

**Officers:** Bi-Borough Head of Environmental Health, Licensing and Trading Standards – Valerie Simpson, Licensing Manager - Adrian Overton, Licensing Officer - Cristina Perez-Trillo, Legal Advisor - Adesuwa Omoregie and Charles Francis - Committee Coordinator.

Responsible Authorities: Tom Stewart, Metropolitan Police

#### 1. MINUTES

#### **RESOLVED THAT:**

The minutes of the meetings held on 26 June 2018 and 27 March 2019 were confirmed and signed as an accurate record of the proceedings.

The Chair confirmed that the request which had been made at the previous annual meeting in 2018 - to agree a new procedure - had been actioned. It was noted that a Working Group convened on 13 November 2018 and following further email correspondence, a new procedure for Licensing and Licensing Sub-Committees was agreed at 27 March 2019 meeting.

#### 2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors David Morton, Matt Uberoi, Victoria Brocklebank-Fowler and Frances Stainton.

#### 3. <u>DECLARATIONS OF INTEREST</u>

Councillor Matt Thorley declared a non-pecuniary interest. He confirmed that historically, he had been a member of the Broadway Bar and Grill Private Members Club.

#### 4. ANNUAL LICENSING TEAM UPDATE

Adrian Overton, Licensing Manager introduced the Licensing Team's Annual Update. Adrian explained that the Team had undergone substantial reorganisation, since it had disaggregated from the Royal Borough of Kensington & Chelsea. As a result, a new team structure was introduced in February 2019 to enable the licensing service to become a sovereign service.

Adrian Overton explained that one of the biggest advantages of the sovereign licensing service was the career and personal development opportunities it had brought the Team and it was noted that Cristina Perez-Trillo would be taking an Enforcement role in the future. Further advantages of the reorganisation were noted as follows:

- Broader and more flexible roles within the team, which had helped to multi-skill staff and support personal development and provide better team cover.
- Progression within the team of three officers to managerial and enforcement roles had demonstrated to other staff members that opportunities could arise internally.
- Dedicated H&F staff managing the team and rather than two part time managers across two boroughs.
- Having a single focus provided the potential to provide a better service for residents and businesses.
- A reduction in managerial salary costs.

An overview was provided on a variety of performance statistics for 2018/19. It was noted that Table 1 on page 10 showed that there had been an increase of approximately 31% in the number of new premises licence applications and a decrease of approximately 10% in the number of new personal licences. In addition, there had been a 15% increase in DPS variations and a slight reduction of approximately 4% on the number of temporary event notices. Overall in 2018/2019, the service dealt with a total of 1258 applications/notifications under the Licensing Act 2003, compared with 1287 in 2017/18.

It was noted that most applications were agreed in part and there had also been 2 refusals, as well as 5 reviews. Of these, two reviews were received from Trading Standards and related to seizures of illicit alcohol and failure to provide credible evidence that the alcohol for sale had been purchased from a legitimately responsible supplier. Two reviews were received from the Metropolitan Police, one of which related to an on licensed premises which failed to provide CCTV to licensing officers following allegations of unauthorised sales of alcohol. The final review was submitted by the licensing team working in partnership with responsible authorities to review an off licence which was continuously breaching licence conditions, selling alcohol to drunk persons, selling counterfeit alcohol and selling alcohol to children.

It was noted that four appeals were lodged against the decision of the licensing committee in 2018/19 compared to only one in 2017/18. Details were also provided on inspection and enforcement activities, events licensing, as well as current investigations and those premises which required remedial action plans to be put in place.

Adrian provided a summary of project work undertaken by the team. The following points were noted:

- Pool of conditions After full consultation, officers had revised the pool of conditions. The new conditions were clearer, more enforceable and realistic.
- Plastic Free Campaign Officers were working in partnership with Chelsea football club to consider reducing the amount of single use plastic cups. The initial match day trial was a success. Fulham and QPR football clubs were also looking to follow suite.
- MST joint working Joint investigative work was conducted by the Police, Licensing and Commercial Services Team to successfully address the issue. In the future, it is anticipated that the role of the Licensing Team will diminish, as the Commercial Services team assume responsibility for enforcement action.
- Child Sexual Exploitation Licensing Officers had worked in partnership
  with the Police and the Child Protection Agency. This included visiting
  licensed hotels and bed and breakfast businesses and conducting test
  purchases as part of Operation Makesafe.
- **Ask for Angela** Officers had been actively involved in promoting the 'Ask for Angela' scheme which was now in place across the borough.

Valerie Simpson outlined the numerous policy changes which had occurred in the following areas: Statement of Licensing, Statement of Gambling Policy and Enforcement Policy. Concluding her remarks, Valerie also summarised the priorities for the forthcoming year. It was noted that these included:

- Responding to public complaints, councillor complaints and other requests for service and investigate within service standards.
- Supporting the night-time economy in town centres.
- Inspecting all high-risk premises and ensuring all licensed premises operate in accordance their licence and the respective Licensing Policies.
- Maximising income opportunities.
- Working in partnership with other Responsible Authorities to promote the four licensing objectives.
- Improving engagement with residents, clients and businesses and developing a team culture of continuous improvement.

Councillor Colin Aherne noted that several test purchases had been conducted in relation to child exploitation and asked what was meant by this phrase. Adrian Overton explained that in these cases, a Licensing officer would attempt to book into a hotel with an underage child to test whether a room was offered or whether the challenge policy of the premises was effective. Tom Stewart confirmed that the children used in these operations were 16 or 17 years old (Police Cadets) and had received training for the test procedure.

Councillor Wesley Harcourt noted there had been a 25% reduction in the number of inspections (visits to businesses) which had been undertaken and asked how this had affected the service. In response, Adrian Overton confirmed that Licensing had been concentrating its efforts on high risk premises only and had been more reactive, than proactive in the past year. Valerie Simpson added that Licensing

were only visiting those premises where a complaint had been made and, in that way, was doing its utmost to support a thriving night time economy.

Councillor Wesley Harcourt asked when a renewal was made, whether an automatic inspection of the premises took place. Adrian Overton confirmed that since the restructure, renewal activities were conducted by the Commercial Services Team and Licensing assisted them as required. Following on from this point, Councillor Matt Thorley asked whether an inspection took place when there was a change to the named DPS. Adrian Overton confirmed that inspections only took place when there was specific intelligence and grounds to do so.

Councillor Wesley Harcourt noted there had been a number of hearings in 2018/19 where only 2 of the required 3 Members had attended. He asked for this statistic to be sent to him by email.

# Action: Licensing / Committee Services to provide the number of hearings in 2018/19 where only 2 Members attended the Committee

The Chair asked about the effectiveness of the Council's online systems and whether there was an opportunity to let interested parties receive an automatic email response confirming their objections had been received. In response, Adrian Overton explained that there was scope to improve the online offer in the future and officers were actively investigating where service improvements could be made.

Councillor Zarar Qayyum asked if the pre-application advice service was being promoted and what the charges were. In response, Adrian Overton confirmed that the pre-application advice service was being marketed on the Council's website. He explained that although there was a scale of charges; these varied according to the complexity of the application.

Councillor Rachel Leighton explained that some residents remained unclear about what evidence was required to initiate a review. Adrian Overton confirmed that guidance on making a review application was available on the Council's website. He also urged residents to arrange a meeting with the Licensing Team to discuss their concerns and to use the out of hours service to assist them with evidence gathering.

Councillor Matt Thorley asked if there were any specific issues that the Noise and Nuisance Team were dealing with at present. Valerie Simpson confirmed that there were no issues at present and it was still a shared service (H&F and RBKC) but would become a sovereign service from September 2019.

The Chair commended the plastics free campaign and asked if there were any other initiatives that could be pursued. In response, Adrian Overton confirmed that Licensing were working in partnership with the Events Team to address the issue and would also be advising premises to eradicate plastic straws and to use paper based equivalent products. Councillor Wesley Harcourt confirmed that all events controlled by the Council had stopped the use of single use plastics.

The Chair commented on the recent work which had been conducted on MST's and the links to modern slavery. She asked whether the general level of awareness needed to be raised on these topics. Valerie Simpson confirmed that a considerable amount of joint working had been done by the Police, Environmental Health and the Licensing Team to address MSTs and the recent judgements illustrated that the Council was taking a proactive approach.

Concluding the meeting, the Chair asked for the Committees' thanks to the responsible authorities and officers to be recorded. She also wished Lisa White, Licensing Officer, well, who had recently taken maternity leave.

	Meeting started: Meeting ended:	
Chair		

Contact officer: Charles Francis

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#### **London Borough of Hammersmith & Fulham**

**Report to:** Licensing Committee

Date: 26 November 2020

**Subject:** Annual Licensing Committee Report April 2019 to March 2020

**Report author:** Lisa White and Adrian Overton

Responsible Director: Sharon Lea, Strategic Director of Environment

#### **Summary**

This report provides a summary update of the work and performance of the licensing team for the period between 1<sup>st</sup> April 2019 and 31<sup>st</sup> March 2020 and includes the following:

- a) A financial summary of the team's income and debt.
- b) An outline of the service improvement work undertaken in relation to online application forms, data integrity and improving procedures.
- c) An update on the current licensing policies in effect.
- d) The responsibilities of the team (contained in Appendix 1 attached to this report).
- e) Details of all licensing sub committees (contained in Appendix 2 attached to this report)
- f) Details of all current Appeals (Contained in Appendix 3 attached to this report)
- g) Details of complex cases (contained in Appendix 4 attached to this report).

An additional report has been attached to this report detailing how the Licensing Service has been operating throughout the COVID-19 pandemic at Appendix 5.

#### Recommendations

 Appendix 3 and Appendix 4 are not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended). 2. That members of the Licensing Committee note the contents of this report and provide any comments.

#### Wards Affected: Not applicable.

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The policies and strategies outlined in this report have been designed to promote responsible businesses and foster a shared prosperity across the borough. Any enforcement actions taken by the service can have a detrimental impact on businesses and as such we are always pragmatic with our enforcement powers in offering advice and guidance in the first instance to try and bring businesses back into compliance.
Creating a compassionate council	The service is compassionate to the needs of businesses and residents. The report (Appendix 5) details how we have assisted businesses through the Covid 19 pandemic to help struggling operators adapt to the new business environment.
Doing things with local residents, not to them	The report details the work of the licensing service this includes a reactive response to complaints from residents. Additionally, the team work closely with residents in relation to applications submitted and attend resident meetings when required.
Being ruthlessly financially efficient	This report for the first year, now includes a finance management section. This outlines the way the service is generating income and ruthlessly managing any debt.  The report details how the team have added resource via volunteers and apprentices to the team to be financially efficient and reduce the cost of the service.
Taking pride in H&F	We strive to be best licensing authority in London and this report details the excellent work undertaken by the team to achieve this goal.
Rising to the challenge of the climate and ecological emergency	The report details the way the service has adapted due to the Covid-19 pandemic, this has reduced officer travel around the borough to visits, meetings and licensing hearings. We report the new way of working has many positives which the team would like to continue in the future.

#### **Financial Impact**

The total income generated from licencing activities during 2019/20 excluding recharges was £366k.

The amount of licensing debt reduced by 18% during 2019/20 from £20,410 in March 2019 to £16,690 by March 2020. There has been no movement in the bad debt provision.

Implications verified by Sukvinder Kalsi, Head of Finance, Environmental Department.

#### **Legal Implications**

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

Implications verified by Adesuwa Omoregie, Head of Law.

#### Contact Officer(s):

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Position: Head of Finance, Environmental Department

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Must be verified by Emily Hill and stated here

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#### **Background Papers Used in Preparing This Report**

None

#### **DETAILED ANALYSIS**

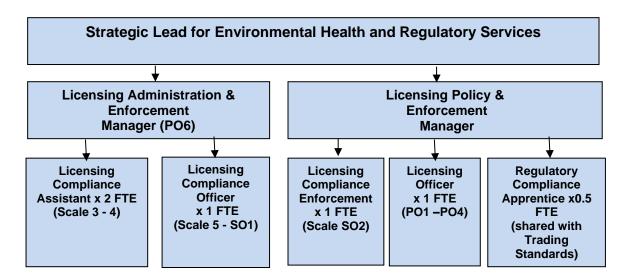
#### Introduction

- 1. The Licensing Service 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. We also issue licences for gambling premises, gaming machines and lotteries, sex establishments and sexual entertainment venues, film classification; and scrap metal dealers.
- 2. The service manages its own finances which includes invoicing businesses, taking payments, chasing and enforcing non-payment of annual fees for all licensed premises.
- 3. The Licensing Service works in partnership with others including responsible authorities, blue light services, government departments, residents and businesses to promote the licensing objectives, improve public health, reduce crime and disorder and promote a safe and enjoyable night time economy in the Borough whilst ensuring that it is fulfilling its functions efficiently.

#### Report

#### Staffing /Team Structure

4. Since last year there have been some interim changes across the team to ensure continued resilience, responsiveness and effectiveness of the service. The current team structure is shown below:



5. Within the last year, two members of the team who started as volunteers have been recruited on permanent contracts into the vacant posts that they were covering, (1 x Licensing Compliance Assistant and 1 x Licensing Compliance Officer).

- 6. Additionally, we share a Regulatory Compliance Apprentice with the Trading Standards team and have recently engaged another volunteer to assist with administration and some enforcement support.
- 7. The Licensing officer within the team is currently on maternity leave and as a result we have a new officer for a one-year secondment via the Council's Get Ahead scheme. This will allow the Licensing Compliance Enforcement Officer to progress into a more senior role for one year. The roles and responsibilities of all the team members can be seen in Appendix 1 attached to this report.
- 8. The service encourages and is committed to supporting internal career progression and development. With a small team and high service demands, managers have used a range of staffing options to keep within budget, in an effort to be ruthlessly financially efficient.
- 9. It has become apparent that managing the administration and finance strand of the team requires a minimum of one FTE and therefore only a limited amount of one manager's time can be spent on operational enforcement duties.

#### Team performance, work activity and key achievements in 2019/20

#### **Licensing Act 2003**

- 10. 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
- 11. The work of the Licensing Team involves policy implementation, processing, inspection, enforcement, finance management, preparing reports for licensing sub-committee and service improvement.
- 12. The authority currently has 846 licensed premises and had granted 3573 authorisations for personal licence holders under the Licensing Act 2003. Tables 1 9 below illustrate the Licensing Authority's performance during 2019/20. Data from 2018/19 has been included for comparison purposes.

#### **Applications**

13. Table 1 below details the types or applications/notifications processed by the team.

Table 1: Licence/authorisation type	No. of applications received	
	2018/2019	2019/2020
New premises licence applications	58	49
New personal licence applications	197	169
Premises licence full variation applications	23	24
Premises licence minor variation applications	58	43
Designated premises supervisor (DPS) variations applications	217	215
Transfers of premises licences applications	55	56
Notification of change of name and/or address, lost licence, DPS removals, interested party notification, condition extensions.	161	204
Temporary event notices (TENs) / Late temporary event notices	529	822
Total number of applications processed by the team	1298	1582

- 14. Overall in 2019/20, the service dealt with a total of 1582 applications/notifications under the Licensing Act 2003 compared to 1298 in 2018/2019 which is an increase of 22%.
- 15. This increase was from April 2019 to January 2020. In February and March 2020 applications reduced due to the COVID 19 pandemic.

#### **Gambling Act 2005**

- 16. The Authority has a statutory duty to carry out functions with a view to promoting the licensing objectives under this legislation. 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.
- 17. The team issues premises licences for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres and track betting. In addition, the team processes notifications for small society lotteries and gaming machine permits.

#### **Applications**

18. Table 2 below details the types or gambling premises in the borough.

Table 2: Types of gambling premises	Total	
	2018/19	2019/20
Adult Gaming Centres	2	3
Betting Shops/ Track Betting	42	26
Bingo	3	3
Total	47	32

- 19. The data in table 2 shows there has been a decrease in betting shops from 42 to 26 in 2019/20 this is a **decrease of 38%.** The reduction was due to operators voluntarily surrendering their licences. One high street operator surrendered 12 licences held across the borough within this period.
- 20. In addition to the above there are 105 active permits and small society lottery authorisations in effect.

#### **Sub Committee Hearings under the Licensing Act 2003**

- 21. Where a representation is made to an application or a review application is submitted a sub-committee is arranged.
- 22. In 2019/20 a total of 24 licensing sub-committee hearings were organised compared to 25 for 2018/2019. A breakdown is provided below.
- 23. The table 3 below illustrates the total number of sub committees.

Table 3: Total number of Licensing Sub Committee hearings organised	2018/2019	2019/2020
New Premises Licence	11	10
Variation of a Premises Licence	3	9
Temporary Event Notice	0	1
Review Applications	4	4
Total	18	24

24. A summary of the decisions made by the licensing sub-committee (excluding reviews) can be seen in Table 4 below:

Table 4: Licensing Sub Committee outcomes new and variations	2018/2019	2019/2020
Granted/Agreed	3	1
Agreed in part	8	10
Refused	3	0
Disposed / Adjourned*	6	9*
Total	14	20

<sup>\*</sup>Includes the one Temporary Event Notice.

25. A summary of the decisions made by the licensing sub-committee for **review** applications can be seen in Table 5 below:

Table 5: Licensing review applications and outcomes	2018/2019	2019/2020
No action	0	0
Modify conditions	2	4
Remove DPS	0	0
Exclude licensable activity	0	0
Licence suspended	1*	0
Licence revoked	3	0
Total	5	4

<sup>\*</sup>These premises also had their licence conditions modified

- 26. In the last year all four reviews were submitted by the Metropolitan Police on the grounds of prevention of crime and disorder and the prevention of public nuisance. All four licences had their conditions modified by committee.
- 27. There were no other sub-committee hearings in 2019/20 under the Licensing Act 2003. A full report on all applications that went to Sub-Committee has been produced by Committee Services and can be seen at Appendix 2.

#### **Appeals**

28. 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 work in light of the decisions made and the facts of each case. There can also be substantial financial implications for appeals in terms of legal fees when defending decisions of the Council.

29. There were five appeals lodged against the decisions of the licensing committee in 2019/2020 as opposed to four in 2018/2019. Appeals lodged in 2019/20. A full report on all current Appeals can be seen as Appendix 3.

#### **Finance Management**

30. Financial management is a substantial amount of the team's work. The licensing team generates income from a number of sources including application fees, annual fees, pre-application advice and costs awarded following Appeals or legal action. In addition to managing and overseeing all financial transactions, reconciliation of payments made is crucial to allow officers to suspend premises licences for non-payment of fees and to take enforcement action.

#### Income 2019/2020

31. Table 6 below outlines the income received by the service for the period 2019/2020

Table 6. Income generated	Suspension letters issued	
Annual fees	£251,749	
Application fees	£103,208	
Cost recovery - Appeals, legal cases	£10,000	
Pre-Application advice fees	£1376	
Total Income	£366,333	

#### **Zero Based Budgeting**

32. The Licensing Service recently underwent an extensive Zero Based Budgeting review in 2019. This review showed that the vast majority of our work is a statutory function and that we offer excellent value for money compared to other local authorities with a comparable number of licensed premises. It was also shown that the team operates above capacity, delivering an effective, safe service to local businesses. We currently offer chargeable pre application advice which costs from £120-£1500. One of the recommendations was for the uptake for this service to be enhanced with targeted advertising including making the scheme more prominent on the Council's website. In addition, an opportunity was identified to introduce a separate chargeable application checking service. This would improve the quality of applications and lead to more efficient processing as well as providing another income stream. Based on the assumption that there would be a 25% uptake in a £60 pre application checking service, this scheme is likely to generate £17,100+ annually.

#### Finance Projects undertaken by the team

- 33. The below details the finance projects undertaken by the team in 2019/20
- Coding All income is reconciled by the team; this is carried out by integrating a number of finance platforms to ensure all fees are allocated to the team's budget

account. The team has worked closely with finance this year to set up new finance codes so reporting can be undertaken on the different income streams. This ensures all the services income can be accounted for, this was previously not available.

- Recovery of costs Appeals and Enforcement a new process has been implemented to maximise the costs recovered following an Appeal or legal action. This involves contacting the Appellant immediately after an Appeal is submitted advising that with immediate effect any costs will be recoverable by the Council if the Appeal is either withdrawn or upheld by the Magistrates Court. This process has resulted in the successful collection of costs over the last year.
- Full application cost recovery a substantial project was undertaken during 2019/2020 to enable full cost recovery for all licence fees and charges for Gambling, Sex Establishments and Scrap Metal licences and notifications, Fees were calculated by evaluating every process involved in the processing of an application, the percentage of time spent by officers and the officer hourly rate. The calculation then established the true cost for processing each application. This calculation has been used for all applications and notifications, so it is as precise as possible. This project demonstrated that currently the majority of our fees would need to be adjusted to allow for full cost recovery.

The majority of our income is from Licensing Act fees. The amount that we can charge for these applications and notifications is set in law. Currently the cost of processing any application under the Licensing Act is substantially more than we are legally allowed to charge. The service will continue to raise this issue at relevant forums and in consultation responses to encourage central government to implement locally set fees.

#### **Pre-application advice**

34. Since 2015 the Licensing Team has offered a pre-application advice service for small, medium, large licence applications and extra-large events. Table 7 below illustrates the number of requests where Licensing Officers have provided pre-application advice. In 2019/2020 this generated £1376 in income.

Table 7: Licensing Pre-Application Advice	2018/2019	2019/2020
Small	2	3
Medium	3	4
Large	0	1
Extra-large events	1	1
Total	6	9

35. Officers will look to seek full cost recovery for pre-application advice for larger events. With that being said, the pre-application advice service still represents good value for money. It enables businesses to seek professional advice on how

- to apply for a licence at a substantially reduced cost to that of a licensing agent/solicitor.
- 36. The team will continue to promote the pre-application advice service in 2020/21 to support local businesses, whilst ensuring that we cover officers' staffing costs of providing this service.

#### **Debt Management**

- 37. The current debt as of 31 March 2020 was £16,690 with only £1660 being over 2 years old. Historically, our debt exceeded £250,000. Now the service ensures debt management is a priority and this is reflected in the total debt owed and the age of the debt. Officers will make a friendly call to operators if a fee is owed. The service has found that this type of contact has resulted in a higher percentage of payments compared to just sending standard debt letters. We have also offered free pre application advice in some circumstances on the agreement that outstanding fees are paid once a transfer application is made.
- 38. However, despite the team's best efforts there are some fees which do remain unpaid. In accordance with the Licensing Act 2003 if a licence holder fails to pay their annual fee a suspension letter is issued. If a payment is still not received the licence is subsequently suspended. In 2019/20 there were 239 suspension letters issued by the team and consequently **36 licences are currently suspended**.

Table 8: Suspensions of premises licences	Suspension letters sent
2018/19	289
2019/20	279

39. Once a licence is suspended the enforcement officers will contact and visit the premises to see if the premises are still operating and providing licensable activities and if so, collect the outstanding debt or advise to cease providing activities. Additionally, officers will issue a notice to the premises explaining that their licence will be reviewed unless they either cease licensable activities or pay the annual fee.

#### **Inspection and Enforcement**

Table 9: Inspection and Enforcement	Total Number	
	2018/19	2019/20
Number of visits to businesses	299	292
Number of complaints received / investigated	303	275
Number of risk assessments undertaken	46	59
Number of investigations commenced	33	47
Number of S19 Closure Notices	2	0
Simple Cautions	0	2*
Appeals Lodged	4	5

- \* Simple Cautions currently being drafted
- 40. Table 9 above illustrates that 2019/20 was busier than 2018/19 (this is without the extra impact of COVID 19). Officers act on intelligence from Responsible Authorities and complaints that are received. There is an increased focus on working with licence holders to support and help them to comply with the law rather than prosecution. We have also continued to submit reviews as the Licensing Authority, where we find serious issues with non-compliance.
- 41. The above table does not include complaints relating to COVID 19 non-compliance. These complaints are detailed in Appendix 5 of this report.
- 42. The enforcement team investigates a wide range of complaints from numerous sources, such as residents, councillors, businesses, internal departments or external authorities and government departments. Additionally, officers are actively involved in working with the police following violent incidents or disorder in or in the immediate vicinity of a licensed premises. This partnership working has been highly effective in tackling crime and disorder in and around licensed premises. This collaborative approach to enforcement is well highlighted in a fortnightly Licensing Action Group meeting (LAG) which all responsible authorities are invited to attend.
- 43. The approach by the team is to work with licensed premises to bring the operator into compliance. However, if there is continuous non-compliance, officers have a range of enforcement powers which they can use to deal with contraventions.
- 44. A risk assessment system is in effect, this enables premises to be risk assessed based on a number of factors. If a business is assessed as high risk, officers will inspect on a 6-12 monthly basis. If a business is a low risk they will not be inspected unless a complaint is received. This ensures that the service's resources are targeted at premises that have the potential to cause the most risk or harm.
- 45. Both licensing managers are responsible for dealing with premises which are of a complex nature, this could be due to the type of complaints, the number of complaints or if the complaints cover a range of issues dealt with by a number of teams across the Authority. Officers are continuously trying to balance the right of a premises to operate whilst ensuring that they do not adversely impact on the local area. In addition to this we are conscious of need to manage expectations of complainants, in terms of the level and quality of evidence which is needed before enforcement action can be taken. The complex premises are outlined in Appendix 4 of this report.

#### **Service Improvements**

46. The service changes which were implemented as a result of the Covid-19 pandemic can be seen in Appendix 5.

#### **On-line application forms**

47. Our Licensing Officer has continued working on improving and producing online application forms, following the closure of 'My Account'. Work is on-going to design and implement further forms, however this work removes one officer from the team for long periods of time to concentrate on the design and implementation work. This project will continue throughout 2020/21.

#### **Data Integrity**

- 48. Data integrity is a continuous project within the team, we have continued to review and improve the recording and management of application and licence data held on the department's licensing database (Uniform) and document management system. Currently there are over 20 reports which are run and managed weekly. The reports identify errors or issues with the data in uniform or our finance management processes.
- 49. In addition, some service improvement projects for 2019/2020 included:
- The reviewing of data integrity reports adding additional reports to identify errors within the database.
- Downloading over 1000 photographs of personal licence holders so they are linked directly to the database, in accordance with data protection.
- Updating invoice contacts for all licensed premises to ensure the correct contact is invoiced for annual fee payments.
- Change of address notifications report identified addresses which had not been correctly updated. All incorrect records were amended.
- Reduce the number of incomplete licences issued and continuous service improvement work on the licensing database.

#### **Licensing Procedures**

50. A project was undertaken to improve and update the procedures in place for processing the numerous types of licence applications, raising invoices and preparing for committees. All members of the team have been actively involved in this process.

#### **Policy Update**

#### **Statement of Licensing Policy**

- 51. The Licensing Act 2003 ("The 2003 Act") requires every Council to have a 'Statement of Licensing Policy' ("SLP") 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.
- 52. The Council's SLP provides advice and guidance to the Licensing Authority when exercising its statutory functions as a Licensing Authority under the 2003 Act.

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

- 53. The 2003 Act also requires that the Council's SLP be reviewed via public consultation, formally adopted and published every five years. The latest version of our SLP was published in June 2017 and is next due to be reviewed in 2021/22 and by July 2022 at the latest.
- 54. A link to the current policy can be found on the council website at: <a href="https://www.lbhf.gov.uk/sites/default/files/section\_attachments/statement\_of\_licensing\_policy\_2017\_-\_2022.pdf">https://www.lbhf.gov.uk/sites/default/files/section\_attachments/statement\_of\_licensing\_policy\_2017\_-\_2022.pdf</a>

#### **Statement of Gambling Policy**

- 55. The Gambling Act 2005 became effective in 2007 and Hammersmith & Fulham published its Statement of Gambling Policy in January of that year. Under the act, licensing authorities are required to review, amend and consult on their Statement of Gambling Policy at the end of every three-year period. Accordingly, an amended version of the policy was published in January 2010, and again in 2013, 2016 and 2018.
- 56. In accordance with section 349 of the Gambling Act 2005, Hammersmith & Fulham Council carried out its 3-year review of its Statement of Gambling Policy which was published on the 7 December 2018 and came into effect on the 4 January 2019.
- 57. A link to the current policy can be found on the council website at: <a href="https://www.lbhf.gov.uk/sites/default/files/section\_attachments/statement\_of\_gambling\_policy\_2019\_-\_2022\_hf.pdf">https://www.lbhf.gov.uk/sites/default/files/section\_attachments/statement\_of\_gambling\_policy\_2019\_-\_2022\_hf.pdf</a>

#### **Cumulative Impact Assessments (CIAs) – Fulham and Shepherds Bush**

- 58. The two CIAs in the borough were introduced in 2009 (Fulham) and 2011 (Shepherd's Bush) and as such the evidence for the assessments will need to be renewed before 6th April 2021. This deadline was introduced when the Police and Crime Act came into force in April 2018 and included a requirement that any such assessments should be renewed three years from the date the legislation came into effect.
- 59. The evidence gathering for the policies was due to start early this year however the current pandemic means we are currently unable to gather any meaningful evidence, and this will probably be the case until the summer next year.
- 60. With this in mind it is proposed that after both CIAs expire in April next year, officers will carry out a study in the summer 2021 to introduce new CIAs later in

2021. Whilst this is happening officers can still refer to cumulative impact if required, although we wouldn't have the benefit of the evidence from the studies.

#### **Enforcement Policy**

- 61. The Licensing Team is responsible for carrying out duties for various different licensing functions, including enforcement. When carrying out enforcement duties within the borough licensing officers must have due regard to the Regulators' Code, which places a number of obligations on local authorities. A Regulators Code here: link to the can be found https://assets.publishing.service.gov.uk/government/uploads/system/uploads/att achment data/file/913510/14-705-regulators-code.pdf

Priorities for the next 12 months (in addition to the Council's Statutory duties under the Licensing Act 2003, Gambling Act and other licensing legislation)

- 63. The services key priorities remain the same, however due to the COVID 19 pandemic the service has had to adapt at speed, with some priorities currently not being achieved. The service has taken a key role in the enforcement of Coronavirus legislation, being the only department to issue fixed penalty notices and apply for revocation of a licence for COVID 19 offences. Our main priority will continue to be enforcing COVID 19 non-compliance, assisting businesses as they adapt to a post COVID environment and to continue operating and managing the debt by working with operators to keep the debt at the absolute minimum. Further details can be found in Appendix 5 of this report.
- 64. The key priorities for the Licensing Team in 2020/21 (prior to COVID 19) are as follows:
- a) To respond to public complaints, councillor complaints and other requests for service and investigate within service standards
- b) Help to support the night-time economy in our town centres in a way that is sensitive to local residents and enhances the borough as a destination for inward investment.
- c) To inspect all high-risk premises and ensure that all licensed and gambling premises operating in the Borough are operating in accordance with their licence and the respective Licensing Policy.
- d) Ensure that the licensing team operates in a manner that maximises income by the invoicing of annual fees and maintains systems to identify non-payment of fees and take the appropriate enforcement action.

- e) Working in partnership with other Responsible Authorities and key stakeholders to promote the four licensing objectives through a number of ways including the Licensing Action Group (LAG).
- f) To improve engagement with residents, clients and businesses and develop a team culture of continuous improvement.
- g) To implement streamlined operating systems to be able to quickly respond to future changes in licensing laws, with minimal service disruption.
- h) Support and promote initiatives to protect vulnerable persons using licensed premises in H&F.
- i) To continue to promote the pre-application advice service to assist businesses and increase income and identify other forms of income for the service.
- j) To continue to improve our online application service for businesses and to reduce paper within the service.
- k) To conduct multi agency inspections with partners, i.e. Police, Gambling Commission, Security Industry Authority (SIA), H.M Customs and Revenue, UK Border Agency, Trading Standards, and Environmental Health, in relation to:
- Late night inspections;
- Underage alcohol sales;
- License conditions check;
- Sales of illegal alcohol;
- Employment of illegal workers; and
- Gambling premises inspections.
- Work in conjunction with the Council's waste service to promote the reduction of single use plastic in licensed premises, targeting the three football clubs and any large events held within the Borough – Polo, boat race etc.
- m) Partnership working with the Police and other agencies such as Barnardos to carry out further Child Sexual Exploitation (CSE) visits at licensed premises.
- n) Reduce the number of incomplete licences issued and continuous service improvement work on the licensing database.

#### **Equality Implications**

- 65. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in s149 of the Equality Act 2010 (the Act). Enhanced monitoring of our enforcement actions, to better inform future equalities impact assessments, will be carried out on to help us improve service delivery. Our enforcement policy has been reviewed, updated and strengthened to outline our commitment to equality for all and our intended actions to achieve this goal and follow good practice.
- 66. Our enforcement policy contributes towards the corporate priorities of the council and open and transparent decision making

#### **Risk Management Implications**

67. The Failure to meet new and existing statutory requirements is specifically addressed in the Environmental Health and Regulatory Services' risk register. Controls are in place to mitigate this risk include; training, internal auditing,

periodic updates of the scheme of delegation, performance monitoring and the business planning process

#### **Other Implications**

#### **Procurement**

Not Applicable

#### Consultation

Not Applicable

#### **List of Appendices:**

Appendix 1 - Roles and responsibilities of the Licensing Team

**Appendix 2 - Details of the Licensing Sub Committees** 

**Appendix 3 – Details of Appeals** 

Appendix 4 – Details of complex cases

Appendix 5 - COVID 19 service update

Policy & Enforcement Manager is responsible for drafting and implementing the range of licensing policies, contributing and advising Safety Advisory Groups for the three Football Clubs and high capacity events within the Borough, investigating and responding to Councillor complaints and queries, preparing and gathering evidence to defend appeals, leading and investigating serious breaches of licence, working with external agencies when serious incidents or contraventions occur, leading on high level enforcement such as submitting reviews, legal action, closure notices, Fixed penalty notices, making representations on behalf of the authority, performance monitoring, budget management as well as managing the enforcement strand of the team.

Administration & Enforcement Manager is responsible for councillor enquires relating to applications, overseeing and managing the finance section including finance reconciliation, monthly invoicing and suspensions of licences for non-payment of fees, authorising transactions, refunds, cancellations signing of licences, authorising a range of applications, data integrity reporting, reviewing subcommittee reports and decision notices, attending committees, reviewing of licensing fees, administration procedures and policies, budget control, overseeing and managing the different on line application platforms, performance monitoring and implementing and leading on service improvements as well as managing the administration strand of the team.

The Licensing Officer and Licensing Compliance Officers (Enforcement) are responsible for licensing enforcement of a range of offences under numerous licensing legislation, investigating and responding to resident, business or authority complaints, supporting businesses to achieve compliance, this includes, meetings, high risk inspection, visits and risk assessments, taking a range of enforcement actions where necessary, responding to FOI requests, assisting with IT projects such as on line applications, dealing with pre-application advice, providing technical guidance, liaising with internal and external partners, visiting premises which have not paid their annual fees, film classification, assisting with borough and nationwide projects, event liaison and attendance, chair and presenting the Licensing Action Group.

The Licensing Compliance Officer (admin) and two Compliance Assistants are responsible for checking and processing all licensing applications, registrations and notifications, invoicing of annual fees, updating payment systems and taking payments, providing technical advice and guidance to a range of customers, responding to all enquiries via the phone and licensing generic inbox from residents, businesses, authorities and other council departments, working with numerous government departments such as HMRC, VOA and Companies House, maintaining the teams database, assisting with data integrity projects, dealing with opposed applications, liaising with residents and responsible authorities, assessing objections for and against applications and providing technical guidance on objections, producing reports for the licensing sub committees, presenting cases at committee, reviewing decision notices, and other associated administration tasks.

**Apprentice** we currently share a Regulatory Compliance Apprentice with Trading Standards, this member of the team has been invaluable at assisting both administration strand of the team when exceptionally busy or covering when officers are on leave and also the enforcement team assisting with the suspension of licence process, contacting businesses in relation to payment and managing the database and relevant suspension documents. Assisting the enforcement officer with data management and assisting the team when necessary.

Date of Hearing	Premises	Postcode	Туре	Ward	Decision	Description
03/04/2019	The Chelsea Lodge	SW6 2DZ	Variation of a premises licence	PARSONS GREEN & WALHAM	Disposed/cancelled	Variation of a premises licence
03/04/2019	Nando's	SW6 1NB	New Premises Licence	FULHAM BROADWAY	Disposed/cancelled	New premises licence
24/04/2019	Fouberts	SW6 1AY	Variation of a premises licence	FULHAM BROADWAY	Disposed/cancelled	Variation of a premises licence
24/04/2019 P	McDonald's Restaurants (312- 314)	SW6 1NG	New Premises Licence	FULHAM BROADWAY	Disposed/cancelled	New premises licence
08/05/2019	Tell Your Friends	SW6 4SW	Variation of a premises licence	PARSONS GREEN & WALHAM	Grant with Conditions	Standard Variation of Premises Licence
08/05/2019	The Jameson	W14 0HR	Review	AVONMORE & BROOK GREEN	Modify the conditions of the licence	Review of a premises licence
22/05/2019	3 ORIENTS SPA	W14 8ST	Renewal of premises licence	AVONMORE & BROOK GREEN	Refused - 2018/01664/MST	Renewal of massage and special treatments premises licence
05/06/2019	THE ELM	W14 9NX	Review	NORTH END	Modify the conditions of the licence	Review of a premises licence
12/06/2019	Pedal Back Café	SW6 1TS	New Premises Licence	NORTH END	Disposed/cancelled	New premises licence
02/07/2019	White Horse	SW6 4UL	Temporary Event Notice	PARSONS GREEN & WALHAM	Disposed/cancelled	Temporary Event Notice

	03/07/2019	Piate	W6 0RR	Variation of a premises licence	RAVENSCOURT PARK	Disposed/cancelled	Variation of a premises licence
	03/07/2019	3 RIVERSIDE STUDIOS	W6 9BN	Variation of a premises licence	Hammersmith Broadway	Grant with conditions	Variation of a premises licence
•	17/07/2019	SAM'S BRASSERIE	W6 9BN	New premises licence	Hammersmith Broadway	Grant in part	Variation of a premises licence
	14/08/2019	PARSONS GREEN SPORTS & SOCIAL CLUB	SW6 3DP	Variation of a premises licence	Parsons Green and Welham	Grant in part	Variation of a premises licence
	25/09/2019	Rocks Lane Bishop's Park Tennis Centre	Bishop's Park Road	New premises licence	PALACE RIVERSIDE	Withdrawn	New premises licence
-ac	09/10/2019	AB BAR	W14 8TQ	New Premises licence	AVONMORE & BROOK GREEN	Grant in part	New Premises licence
)e 20	09/10/2019	NEVERLAND	SW6 2TY	New premises licence	SANDS END	Grant in part	New premises licence with regulated entertainment and the sale of alcohol
	23/10/2019	LONDIS, 54 UXBRIDGE ROAD	W12 8LP	Review	SHEPHERDS BUSH GREEN	Modify the conditions of the licence	Review of a premises licence
3	30/10/2019	THE JAM TREE (1st Floor)	SW6 2EB	Variation of a premises licence	PARSONS GREEN & WALHAM	Grant in part	Variation of a premises licence
•	30/10/2019	THE JAM TREE (Ground Floor)	SW6 2EB	Variation of a premises licence	PARSONS GREEN & WALHAM	Grant with conditions	Variation of a premises licence
	18/12/2019	RETAIL 24	W12 8LP	Review	SHEPHERDS BUSH GREEN	Grant modifying the conditions of the licence	Review of a premises licence

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29/01/2020	BUSH CENTRE, SERVICE STATION	W12 8PS	Variation of a premises licence	SHEPHERDS BUSH GREEN	Grant with conditions	variation of a premises licence
26/02/2020	HAWK'S NEST	W12 8DF	New premises licence	SHEPHERDS BUSH GREEN	Adjourn to 11 March 2020	Sale of alcohol and performance of music indoors and outdoors and playing of music indoors and outdoors.
26/02/2020	RAY MUNN	SW6 5HP	New premises licence	TOWN	Grant the licence	Sale of alcohol off the premises.
11/03/2020	HAWK'S NEST	W12 8DF	New premises licence	SHEPHERDS BUSH GREEN	Grant with conditions	New premises licence

#### **London Borough of Hammersmith & Fulham**



#### **COVID 19 LICENSING SERVICE UPDATE**

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#### 1. SUMMARY

Covid-19 has created an unprecedented challenge for the Licensing Service. We have needed to reassess all of our processes so we can continue to provide our statutory duties whilst providing increased levels of enforcement activity to a level not seen before. One of our new service priorities has been to proactively help businesses navigate new legislation in order to help them survive.

The purpose of this report is to provide an update on how the team has transitioned since March 2020 and how the team has led on enforcement actions throughout the Covid-19 pandemic.

#### 2. ADMINISTRATION TEAM

When lockdown occurred in March 2020 all officers in the Licensing Service were requested to work from home with immediate effect, with only one person visiting the office occasionally to bank cheques and check for post.

Fortunately, all licence application forms were available online prior to the pandemic, however new processes still needed to be implemented, mainly in relation to how officers verified documents, receive payments and issue licences. Additionally, there was an uneasy transition from working in an office environment, with all the necessary equipment, to a purely online system, virtually overnight.

Over the last nine months we have adapted our processes and created new procedures for administration, enforcement and finance management. Second screens and additional equipment have been provided where necessary and our systems are now working effectively carrying out an almost purely digital service.

The only service which is not yet fully digital is issuing personal card licences to personal licence holders - this requires a specific printer located in the office. We still issue a personal licence certificate to applicants once a licence is granted. To date we have approximately 80 outstanding cards to issue. This backlog has started to be addressed now a member of the administration team has returned to the office.

Since March 2020 we still receive a small percentage of paper applications and cheques which are scanned by the officer who attends the office, however where possible we always promote our online services.

Table 1 below is a comparison of the number of applications received since March 2020 to November 2020 compared to the same period the year before.

Table 1:	No. of applications received		
	1 March 2019- 1 November 2019	1 March 2020- 1 November 2020	
Licensing Act 2003 applications & notifications	1091	439	

Whilst we have seen a drop in overall application numbers the biggest drop was during the first lock down period. Applications have been increasing over the last few months. Although applications initially reduced, we also found a steep rise in advice and application queries where businesses wanted to diversify their operation as a result of the lockdown.

#### 3. OUR RESPONSE TO LICENSED PREMISES

The service has tried to be imaginative in how we assist businesses throughout the pandemic. With government legislation and guidance changing continuously, our advice and guidance to businesses has also been constantly reassessed. The points below outline some of the measures implemented by the service:

- Provided a free pre application service for up to one hour. This advice helped licence holders add activities to their licences which were not prohibited (such as off sales) and / or remove conditions which were affecting the way they were trading such has a requirement to have door supervisors every evening they were open.
- Paused providing our new licence application checking service so we could provide free advice to applicants on how to apply for a licence or registration electronically.
- In line with Local Government Association guidance, and a letter from Kit Malthouse MP sent to all local authorities at the beginning of April 2020, we considered requests for additional time to pay annual fees on a case by case basis. Additionally, the team are now promoting a payment plan option for businesses so they can still trade and pay for their annual fee in monthly instalments.

- Permitted a simplified application process (minor variation) to allow off sales to be added to a licence. However, this amendment was time limited to only be in effect whilst the Coronavirus legislation was in place. Minor variations cost £89, as opposed to approximately £800 (for a full variation, with advertising costs) as a result this decision gave smaller businesses a cost-effective solution when looking to adapt their licences so they could trade lawfully.
- Officers have been actively involved in the outside space project to promote the use of any outside local space for trading. Officers have worked closely with teams across the Council to implement this project quickly and efficiently. Officers then worked closely with the Highways Team to implement the application process on the Licensing database platform allowing public consultation on pavement licences via the Councils Website.
- Our enforcement team are taking a pragmatic approach to the enforcement of licensed premises conditions unless the breach is in relation to Covid 19 non-compliance or could cause harm to public health or safety.
- Providing regular updates to our licensed premises on the changes in legislation and government guidance. This has included, information on risk assessments, how to operate in a Covid secure way, providing information on advice, finance support and links to HSE guidance and Government guidance. As a result of the recent changes we are currently drafting another letter to include information on what is permitted and include information on H&F grants and schemes.

#### 4. ENFORCEMENT TEAM

Enforcement activity has continued, and increased, throughout the Covid-19 pandemic and our strategy has continually altered depending on the measures and legislation introduced by central government. This has been particularly challenging due to the sheer number of legislative changes which have taken place with no prior warning.

#### 4.1 Enforcement action – 23<sup>rd</sup> March 2020 – July 4<sup>th</sup> 2020 (First lockdown)

From the 23<sup>rd</sup> March 2020 until the 4<sup>th</sup> July 2020 during full lockdown our enforcement team were still working during the day and also out of hours to check for compliance. Enforcement activity was limited to observations and monitoring only. Officers would visit premises following intelligence and then travel around the borough to check for any premises which were breaking the lockdown rules.

Partnership working was key during this time to address any premises which were deemed not to be Covid secure. The licensing team implemented the following measures to ensure a collaborative approach across all regulatory services –

Set up and managed a joint enforcement spreadsheet for all Regulatory Services teams to feed into. This was a huge success as by pooling our resources, we were able to visit large numbers of premises and officers could immediately see what actions, if any, had been taken against a particular premises.

- The licensing action group (LAG) was also extremely useful during this period as a central meeting point to discuss enforcement actions from all regulatory departments across the Council. The afore mentioned enforcement spreadsheet was also discussed at this meeting and many joint agency operations were arranged during these meetings.
- Enhanced working with the Police Licensing team who were met with virtually twice a week in order to share and discuss intelligence on non-covid compliant premises. On many occasions body warn footage from Police officers was viewed at these meetings so that the Police and Council could work on a coordinated enforcement response.

As the weather improved in late spring / early summer it became clear that one of the biggest problems was the number of pubs/ restaurants and supermarkets providing off sales. Large groups of customers would routinely congregate along the river frontage and this problem became worse as more businesses along the river began offering off sales. Groups of people also started to regularly congregate on Parson's Green and other green spaces around the borough. As pubs and restaurants were not, at this time, able to admit customers into their premises this caused a major problem with public urination and concerns over social distancing.

To try and address the public drinking and public urination problem we wrote to all premises providing off sales clearly outlining their legal responsibilities and also asking them to consider taking some extra steps. These additional steps included asking that any drinks were sold in a sealed container, so that customers were encouraged to take them home. We also asked these businesses to display controlled drinking zone and social distancing posters outside their premises. Unfortunately, this had a limited effect due to the sheer number of premises involved. The problem did not improve until the government's partial relaxation of the lockdown, when customers were permitted to use the toilets on licensed premises.

On the whole we found very high levels of compliance during the first lockdown and on the occasions when we did offer advice or guidance this was typically acted on immediately. We issued one prohibition notice to a premises for persistent Covid breaches during this period and we also instigated a licensing review against another premises which persistently breached the lockdown restrictions, details of these cases can be seen in Appendix 3.

#### 4.1.2 Enforcement action - 4 July 2020 to 26 November 2020

The Licensing Service co-ordinated a multi-agency operation on the 4th July when premises reopened. Police licensing officers, Council licensing officers and Health and Safety officers visited over 60 premises in one day. The purpose of the visits was to try any quickly identify any premises which were taking little or no Covid-19 measures and to offer advice in the first instance. A high level of compliance was found during our first visits.

With the slow reopening of businesses after the 4<sup>th</sup> July, we did see a trend for premises expanding their operations to legitimately make more use of their outside spaces. This resulted in more complaints of noise and disturbances originating from outside areas - as can be seen from some of the high-profile enforcement cases in Appendix 3.

Complaints slowly continued to rise during this period and mainly concerned premises and customers not complying with Covid regulations and guidance. Each and every complaint concerning a licensed premises has been investigated by the team during this period. However due to the sheer number of complaints, and our limited resources, our service is operating on a completely reactive basis. All of the partnership working measures implemented during the first lockdown have continued and are now even more valuable with the continued rise in complaints and Covid cases across the borough.

More recently local authorities have been given the authority to issue Fixed penalty notices (FPNs), for Covid non-compliance. These have made our enforcement actions much easier as we are able to issue fines to gain compliance rather than being caught up in lengthy and costly legal proceedings - please see the Jack's case outlined in Appendix 3 for an example of this problem. Since these powers were introduced the licensing service has issued three FPN's totalling £3000. A further FPN is being considered for which we are currently waiting legal advice.

We currently have approximately 50 live cases/complaints which we are investigating. Further figures are provided below. We also have a number of complex complained about premises which are receiving continuous multi agency action. Please see Appendix 3 for full details of these cases.

Our strategy for when the second lockdown ends on the 2 December is to undertake visits to check for compliance and assist businesses where necessary. We will continue to be pragmatic with our enforcement powers recognising that many businesses are struggling during this incredibly difficult time. However, we will always look to take action where advice and guidance is continually ignored.

The table below details the number of Covid visits and current live cases the team are dealing with. This is in addition to the normal day to day work and general complaints regarding licensed premises which the service is still receiving.

Table 2.	Total Number		
Number of visits, inspections, monitoring of businesses	403		
Prohibition Notices	1		
Fixed Penalty Notices issued	3		
Current live cases being investigated/action required	50		
Reviews submitted	1		
Informal agreements	20		