

Licensing Committee

Agenda

Tuesday 26 October 2021

6.30 pm

Online - Virtual Meeting

MEMBERSHIP

Administration:	Opposition:
Councillor Natalia Perez (Chair) Councillor Fiona Smith (Vice-Chair) Councillor Wesley Harcourt Councillor David Morton Councillor Zarar Qayyum Councillor Matt Uberoi Councillor Asif Siddique Councillor Sue Macmillan	Councillor Frances Stainton Councillor Matt Thorley Councillor Dominic Stanton

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<https://youtu.be/8whsHbwwtLg>

Licensing Committee Agenda

26 October 2021

<u>Item</u>		<u>Pages</u>
1. APOLOGIES FOR ABSENCE		
2. 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 - 11
	To approve as an accurate record, and the Chairman to sign, the minutes of the meeting of the Committee held on 15 February 2021.	
	This item includes an appendix which contains information exempt within the meaning of Schedule 12A to the Local Government Act 1972 and is not for publication.	

The appendix has been circulated to 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

4. ANNUAL LICENSING COMMITTEE REPORT APRIL 2020 TO MARCH 2021

12 - 31

This report has appendices that contains information exempt within the meaning of Schedule 12A to the Local Government Act 1972 and is not for publication. The appendices have 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. VERBAL DISCUSSION ON DEADLINES FOR LATE EVIDENCE SUBMISSIONS FOR LICENSING SUB COMMITTEE

6. POOL OF CONDITIONS - VERBAL UPDATE

**7. 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 3 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.

Licensing Committee Minutes

Monday 15 February 2021

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Frances Stainton and Tom Stewart, Metropolitan Police.

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

Present: Councillors Natalia Perez (Chair), Fiona Smith (Vice-Chair), Colin Aherne, Wesley Harcourt, Rachel Leighton, David Morton, Zarar Qayyum, Matt Uberoi, Asif Siddique, Victoria Brocklebank-Fowler and Matt Thorley

There were no declarations of interest.

Officers: Valerie Simpson, Strategic Lead, Environment, Overton Adrian, Licensing Policy & Enforcement Manager, Lisa White, Licensing Administration & Enforcement Manager, Cristina Perez-Trillo, Licensing Enforcement Officer, Adesuwa Omoregie, Head of Law and Charles Francis, Committee Coordinator.

3. **MINUTES OF THE MEETING HELD ON 25 JUNE 2019**

The minutes of the meeting held on 25 June 2019 were agreed as an accurate record.

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

Adrian Overton, Licensing Policy & Enforcement Manager, introduced the members of the Licensing Team to the Committee. He explained the presentation would cover a range of topics, including the Council's (Licensing) response to the pandemic, which was the primary reason the Annual Licensing Committee meeting had been delayed. Adrian explained that as a result of the pandemic, the Licensing Service had undergone significant changes, which included the way it operated. Members were encouraged to ask questions throughout the presentation.

Lisa White, Licensing Administration & Enforcement Manager, provided an overview of the work and performance of the Licensing Team between April 2019 and March 2020. The following key points were noted:

- Broader and more flexible roles within the team had been introduced, which had helped to multi-skill staff and support personal development / provide better team cover.
- The internal career progression within the Team.
- The new management structure, which enabled the Team to be more efficient and flexible.

Councillor Victoria Brocklebank-Fowler asked if the Licensing Service still comprised of North and South Teams or whether the Service had amalgamated into a borough wide approach. In response, Lisa White confirmed that the Service had amalgamated into a one borough approach.

An overview was provided on a variety of performance statistics for 2019/20. It was noted that overall, the service had processed a total of 1582 applications / notifications under the Licensing Act 2003, compared to 1298 in 2018/19, which was an increase of 22%. Twenty-five Committees were convened, and four reviews had been submitted by the Metropolitan Police.

In terms of gambling activities, it was noted that there had been a significant reduction in the number of betting shops from 42 to 26 in 2019/20 which represented a 38% decrease. The numbers of Adult Gaming Centres (3), sex establishments (2) and scrap metal site licences (5) all remained unchanged. Details were provided on the financial management of the team, including the finance project work and it was noted that as a result of enforcement activities, 279 suspension letters had been issued.

The Chair, Councillor Natalia Perez, noted that 36 premises licences had been suspended and asked for further clarification about the licence suspension process. In response, Lisa White confirmed that the Service worked with the premises, but if there was still non-payment (of licensing fees) a suspension notice would be issued, followed by formal suspension (pre covid only), if payment was not received by the agreed termination date. The Chair confirmed that the financial information which had been provided in the report was extremely useful and the committee requested that this was included in future Annual Licensing Committee reports.

Action – That the Annual Licensing Committee report include a Financial Management section in future reports.

Details were provided on the service improvement work which had been undertaken, including those procedures which had needed to be changed and adapted in response to the pandemic.

Councillor Natalia Perez noted that my account was no longer working? and asked for further information to be provided on how applications were processed and what had replaced the old system? In response, Lisa White confirmed that online

application forms were being processed on Firmstep and forms were being designed by officers which was taking some time.

Councillor Asif Siddique asked about pre-application advice fees and what steps were being taken to improve this revenue stream. In response, Lisa White explained that fees for small businesses would remain frozen but there were opportunities to look at increasing fees when large scale events were held in the borough or where larger premises were being used. However, any changes would be phased in after the worst of the pandemic had passed.

Appendix 5 – Covid-19 – Licensing Service Update

Adrian Overton, Licensing Policy & Enforcement Manager, explained that at the start of the pandemic all Licensing Sub-Committees were suspended. Meetings were then moved online several months later with great success and it was hoped these could continue in this way. In response, Adesuwa Omoregie, Head of Law confirmed that the need for online meetings was governed by temporary legislation and that at the moment, discussions were ongoing to determine what mechanism would be used to hold public meetings safely (socially distanced) in the future. Councillor Asif Siddique commented that he thought virtual or hybrid meetings were the preferred way forward.

The Chair, Councillor Natalia Perez, raised the issue of digital exclusion and the ramifications this had on potential public participation at hearings. She commented it was important that the Licensing Service remained flexible and officers explored options to ensure accessibility issues did not impact upon the ability of residents to make representations.

Adrian Overton provided details of the new processes and procedures which had been developed during the pandemic and several examples were cited such as the digital procedures for signing new licenses. In terms of enforcement activities, it was noted that during the lock downs, most inspections were conducted by a drive by. However, when hospitality reopened over the summer of 2020 and the tier system of restrictions were introduced nationally, this made enforcement more complex (such as providing guidance as this evolved and conducting risk assessments).

Councillor Colin Aherne enquired what specific lessons had been learnt throughout the various lock downs regarding mask wearing and maintaining social distance. And what processes were in place to ensure Council staff were not put in danger when conducting their enforcement duties. In response, Adrian Overton explained that ultimately the Police were responsible for enforcing mask wearing, however, he assured committee that proactive risk assessments were always made before officers entered any premises to mitigate risk as much as possible.

Lisa White provided a summary of the key statistics from this period. The following points were noted:

- Processed 873 applications and notifications. Decrease of 44% on 2019/20. Significant decrease in TEN's 822 in 2019/20 now only 235 from 2020 to date.
- Surprisingly licensed premises have increased – in total the Authority now has 947 premises.
- Reduction in income – approximately £9000 a month.
- New income streams – specialist training, revision of pre application advice service.
- Current debt from non-payment of annual fees is £23,555
- 31 premises currently suspended for non-payment of annual fees – ceased suspending premises during full lockdowns
- Increase in expenditure – Covid enforcement

The presentation also covered the help to businesses which the Licensing Service had provided during the pandemic and the following points were noted:

- The Licensing Service had provided a free pre-application service for up to one hour.
- Officers were actively involved in the outside space project to promote the use of any outside local space for trading.
- Officers had provided regular updates to licensed premises on the changes in legislation and government guidance.
- A flexible approach to the payment of annual fees had been taken.
- Minor variations accepted for off sales before more recent changes in legislation.
- A pragmatic approach to the enforcement of conditions at licensed premises (in line with Kit Malthouse letter) except where the breach concerned Covid 19 non-compliance.

Cristina Perez-Trillo provided an overview of enforcement activities during the pandemic and the following salient points were raised:

- Review of licence for coronavirus offences. First licensing authority in the country to review and revoke a licence for Covid-19 offences.
- 4 Prohibitions notices ("PNs") served, formally advising operators on immediate measures to be implemented.
- From July 2020, 4 Fixed Penalty Notices ("FPNs") were issued for breaches of Covid-19 offences.
- Directions grant powers to local authorities to make directions which respond to a serious and imminent threat to public health.
- Operations led and carried out by licensing for Covid-19 visits. On 4 July 2020, approximately 60 licensed premises were visited to check the premises were Covid secure and to provide advice as necessary.
- The regulations affecting hospitality venues had changed several times which had been a challenge and firm, but proportionate action was being taken where breaches had occurred.

The Committee thanked officers for their flexible approach to assisting businesses and residents throughout the pandemic period.

Councillor Zarar Qayyum noted that there had been a considerable number of changes to regulations and restrictions throughout the pandemic and it was easy for businesses to become confused with all the guidance that had been circulated. He asked about the approach the Authority had taken towards those businesses which had breached regulations or Covid restrictions. In response, Adrian Overton confirmed that the Licensing Service had adopted a flexible approach where possible, but in those instances where there had been a clear and deliberate breach of regulations, then fixed penalty notices had been issued. Lisa White also confirmed that when the Government Tiers changed, the Licensing Service conducted mail shots to all Licence holders advising them of the changes to the legislation.

5. POOL OF CONDITIONS - VERBAL UPDATE

Lisa White explained that following feedback from Members, the Licensing Service had revised its pool of conditions in consultation with the Police Authority, Noise and Nuisance, Trading Standards and Health and Safety. A draft of the proposed new conditions was then sent to the Licensing Authority Group (LAG partners). Referring to the pool of conditions which the Licensing Service had sent to the Committee outside the meeting, Lisa White highlighted that a new section had been included to cover the remote sales of alcohol.

Councillor Victoria Brocklebank-Fowler enquired if other Local Authorities had also changed their pool of conditions and asked for officers views on the legal basis of the proposed new conditions. In response, Lisa White confirmed that Licensing Service was confident that the new proposed conditions were enforceable and proportionate. Some other Local Authorities had changed or were in the processing of changing their current pool of conditions. The Chair welcomed the changes to the pool of conditions as they reflected current needs during the pandemic.

6. LICENSING POLICY AND CIP POLICIES - VERBAL UPDATE

Adrian Overton introduced the report. He explained the evidence for both the Fulham and Shepherd's Bush cumulative impact policies (CIP) was due to expire on the 6th April 2021 and as a result, the Police and Crime Act required the Authority to renew its evidence for both CIPs. It was noted that the Licensing Service was due to carry out a review of both policies in 2020 to assess the evidence for renewals of both policies. However, this could not take place due to covid-19. Had evidence gathering been conducted during the pandemic, it would not have been representative of normal operating conditions. Adrian explained that as a result, the Licensing Service had decided to delay its evidence gathering until the summer of 2021 to assess the impact of the night-time economy. The current proposal was to let the evidence for both CIPs expire and carry out a consultation on this proposal.

Adrian explained that any Licensing decisions taken between 6 April 2021 and the implementation of the new CIPs would clearly state that CIP evidence had not been used in reaching the decision. Reiterating his previous point, Adrian confirmed that by allowing the current CIP evidence to expire, this would allow the Authority to assess how the night-time and day-time economies responded to covid-19 and ensured decision making was informed on the 'new normal' rather than relying on historic data.

Councillor Victoria Brocklebank-Fowler commented it was important that as soon as the consultation on the CIPs had been concluded, that the CIP policy was implemented to protect town centres. In response, Adrian Overton confirmed that the nature of town centres had changed in the last decade and any decision on the implementation of CIPs would be evidence led. The Chair, Councillor Natalia Perez asked officers to provide further details on how the Licensing service worked with the Police on evidence gathering and how Licensing Action Groups worked. In response, Adrian Overton confirmed that at present, the Licensing Service was meeting twice a week with the Police to discuss Covid related issues and any actions arising would be taken as part of a multi-agency approach.

Turning to the Council's Licensing and Gambling policies, Adrian Overton highlighted that the Authorities' statement of licensing policy was due to expire in July 2022. He confirmed the Licensing Service had looked at several ideas such as possibly replicate planning regeneration areas. Other suggestions included possibly offering free pre-application advice to small businesses who wanted to provide live entertainment as part off their licensing application. It was noted that the Licensing Service would be working in partnership with the London Night Czar and the Head of the Night-time Commission about further opportunities to promote and support a 24-hour borough in Hammersmith and Fulham.

In relation to the Council's statement of Gambling Principles, Lisa White confirmed these were due to expire in January 2022 and a consultation on a new statement was scheduled to begin in the summer of 2021. The Committee were informed that the Gambling Commission were currently consulting on all forms of gambling and ascertaining views on tighter restrictions for all gambling Lisa White confirmed the Authority would be supporting tighter restrictions on all forms of gambling.

The Committee learnt that the Council was participating in a pan-London group (which was still in its infancy) to address problem gambling and measures to protect the most vulnerable. Officers confirmed an update would be provided in due course on its progress.

7. ENFORCEMENT HISTORY IN SUB-COMMITTEE REPORTS - VERBAL UPDATE

Adrian Overton introduced the item and explained that historically, enforcement action had been included in reports. However, there were concerns that this information should not be available in the public domain, especially those details which pertained to ongoing investigations. Moving forwards, Adrian explained it was proposed that any enforcement history would be treated as an exempt agenda

item (when appropriate) which would only be circulated to Members and the applicant.

Adrian sought Members views on two specific questions: Firstly, whether members found the enforcement history helpful and secondly, did Members agree to the exempt agenda suggestion?

In response, Councillor Rachel Leighton confirmed that enforcement histories were useful, and an exempt agenda was the correct mechanism to consider this information. Concerns were raised about enforcement history information and the likelihood of predetermination. In response, Adesuwa Omoregie, Head of Law, explained that enforcement histories needed to be considered on a case by case basis, but where reviews had been triggered by non-compliance for example; it was important the Committee was provided with this background information to inform its decision making. Councillor Zarar Qayyum concurred that the providing enforcement history information as an exempt item would be beneficial.

Action – That enforcement history information be provided as an exempt agenda item (when appropriate) at future Licensing Sub-Committee meetings.

Closing the item, Adrian Overton and Lisa White expressed their thanks to the Licensing Team for all its hard work during the pandemic. The Chair, Councillor Natalia Perez, speaking on behalf of the Licensing Committee echoed these sentiments.

8. DISCUSSION OF EXEMPT ELEMENTS

The sub-committee agreed, 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 3 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.

Meeting started: 6.30 pm
Meeting ended: 8.27 pm

Chair

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Agenda Item 4

London Borough of Hammersmith & Fulham

Report to: Licensing Committee

Date: 26 October 2021

Subject: Annual Licensing Committee Report April 2020 to March 2021

Report author: Lisa White and Adrian Overton

Responsible Director: Sharon Lea, Strategic Director of Environment

Summary

This report provides a summary of the work and performance of the licensing team for the period between 1st April 2020 and 31st March 2021 and includes the following:

- a) A Covid-19 service update.
- b) Team performance, work activity and key achievements in 2020/21.
- c) A financial summary of the team's income and debt.
- d) An update on the current licensing policies in effect.
- e) Details of all licensing sub committees (contained in Appendix 1 attached to this report)
- f) Details of all current appeals (Contained in Appendix 2 attached to this report)
- g) Details of complex cases (contained in Appendix 3 attached to this report).

Recommendations

1. Appendix 2 and Appendix 3 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: All.

Our Values	Summary of how this report aligns to the H&F Values
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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 by offering advice and guidance in the first instance by trying to bring businesses back into compliance.
Creating a compassionate council	The service is compassionate to the needs of businesses and residents. The report 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 which includes a reactive response to complaints from residents. Additionally, the team works closely with residents in relation to applications submitted and attends residents' meetings, as required.
Being ruthlessly financially efficient	This report includes a finance management section, this outlines the way the service is generating income and ruthlessly managing any debt.
Taking pride in H&F	We strive to be the 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 the amount officers travel around the borough on visits, meetings and licensing hearings. This new way of working has many positives which the team would like to continue in the future.

Financial Impact

The total income generated from licensing activities including Fixed Penalty Notices during 2020/21 excluding recharges to other Council departments was £307,900. This is a decrease of £58,433 compared to 2019/20.

The impact of the Covid-19 pandemic resulted in a loss of income mainly in small application fees of £75,000. The loss of income has been fully recovered from MHCLG Grant.

The amount of licensing debt as of 1 April 2021 was £18,215. Compared to March 2020 licensing debts of £11,775, this is an increase of 5%.

Implications verified by Kellie Gooch, Head of finance – the environment.

Legal Implications

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

Implications verified by Adesuwa Omoregie, Head of Law.

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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 emergency 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

Covid 19 service update

4. Covid-19 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 laws in order to help them survive.
5. 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.
6. The enforcement side of the service continued to operate during the pandemic and took responsibility for issuing fixed penalty notices for Covid legislation breaches. Officers would also routinely undertake visits to the borough to ensure that the lockdown rules for hospitality premises were being complied with.
7. Over the last year 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.
8. The only service which is not yet fully digital is issuing personal licences to personal licence holders - this requires a specific printer located in the office. To date we have approximately 146 outstanding photocard licences to issue.
9. 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.

How we helped our licensed operators

10. The service has tried to be imaginative with 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.
 - Paused providing our new licence application checking service
 - Promoting a payment plan option to 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 so it was only effective whilst the Coronavirus legislation was in place. Primary legislation was introduced shortly after this decision was made which permitted all premises with an on sales licence to offer off sales as well.
- Officers have been actively involved in the outside space project to promote the use of any outside local space for trading.
- 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.

An outline of the covid 19 enforcement work undertaken can be seen in paragraph 45 of this report.

Team performance, work activity and key achievements in 2020/21

Licensing Act 2003

11. 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
12. The work of the Licensing Team involves policy implementation, processing, inspection, enforcement, finance management, preparing reports for licensing sub-committee and service improvement.
13. The authority currently has 951 licensed premises (this includes alcohol, gambling, sex establishments and scrap metal premises) and had granted 3687 authorisations for personal licence holders under the Licensing Act 2003. Tables 1 – 9 below illustrate the Licensing Authority’s performance during 2020/21. Data from 2019/20 has been included for comparison purposes.

Applications

14. Table 1 below details the types of applications/notifications processed by the team.

Table 1: Licence/authorisation type	No. of applications received	
	2019/2020	2020/2021

New premises licence applications	49	85
New personal licence applications	169	114
Premises licence full variation applications	24	28
Premises licence minor variation applications	43	29
Designated premises supervisor (DPS) variations applications	215	131
Transfers of premises licences applications	56	64
Notification of change of name and/or address, lost licence, DPS removals, interested party notification and condition extensions	204	134
Temporary event notices (TENs), Late temporary event notices.	822	171
Total number of applications processed by the team	1582	756

15. Overall in 2019/20, the service dealt with a total of 756 applications/notifications under the Licensing Act 2003 compared to 1582 in 2019/2020. This is a reduction of 53%.
16. The reason for this decrease was due to a substantial reduction in Temporary Event Notices (TENs) being submitted - 822 in 2019/20 compared to 171 in 2020/21. The reduction in TENs was due to the covid pandemic, and covid restrictions, where events were not being held or applied for in the Borough.
17. Although the service was less busy with TENs (which are formal notifications rather than applications), we did see a significant increase in new premises licence applications - over 41%. New premises licence applications are significantly more complex than TENs and take a considerable amount of time to administer, often resulting in a licensing sub-committee.

Gambling Act 2005

18. 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.
19. 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

20. Table 2 below details the types of gambling premises in the borough.

Table 2: Types of gambling premises	Total	
	2019/20	2020/21
Adult Gaming Centres	3	3
Betting Shops/ Track Betting	26	24
Bingo	3	3
Total	32	30

21. The data in table 2 shows there has been a slight decrease in betting shops from 26 in 2019/20 to 24 in 2020/21.
22. In addition to the above there are 121 active permits and small society lottery authorisations in effect.

Licensing Sub Committee Hearings

23. Where a representation is made to an application, or a review application is submitted, a sub-committee is arranged to reach a decision.
24. In 2020/21 a total of 19 licensing sub-committee hearings were organised compared to 25 for 2019/2020. A breakdown is provided below. 18 of the hearings were to consider premises under the Licensing Act 2003. 1 application heard was for the renewal of the Sexual Entertainment Venue (SEV) premises under the Local Government Miscellaneous Provisions Act 1982.
25. Table 3 below illustrates the total number of sub committees.

Table 3: Total number of Licensing Sub Committee hearings organised	2019/2020	2020/2021
New Premises Licence	10	10
Variation of a Premises Licence	9	3
Temporary Event Notice	1	0
Review Applications	4	5
Renewal of SEV licence	1	1
Total	25	19

26. 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, variations and renewals	2019/2020	2020/2021

Granted/Agreed	1	1
Agreed in part	10	8
Refused	0	3
Disposed / Adjourned*	9*	2
Total	20	14

*Includes the one Temporary Event Notice.

27. 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	2019/2020	2020/2021
No action	0	0
Modify conditions	4	1
Remove DPS	0	0
Exclude licensable activity	0	0
Licence suspended	0	0
Licence revoked	0	2
Disposed/Postponed	0	2
Total	4	5

28. Two of the reviews were submitted by the Licensing Authority - further details can be seen in Appendix 3. The third review was submitted by the Metropolitan Police on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

Appeals

29. 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.
30. There was one appeal lodged against the decisions of the licensing committee in 2020/2021 as opposed to five in 2019/2020. A full report on all current Appeals can be seen at Appendix 2.

Finance Management

31. Financial management takes up a substantial amount of the team's time. 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 is crucial in allowing officers to suspend premises licences for non-payment of fees, and to take enforcement action where necessary.

Income 2020/2021

32. Table 6 below outlines the income received by the service for the period 2020/2021

Table 6: Income generated	2019/2020	2020/2021
Annual fees	£251,749	£245,827
Application fees	£103,208	£57,851
Covid 19 Fixed Penalty Notices	n/a	£3166
Pre-Application advice fees	£1376	£1056
Cost recovery - Appeals, legal cases	£10,000	£0
Total Income	£366,333	307,900

33. Covid 19 significantly affected the licensing team's income mainly due to the substantial decrease in Temporary Event Notifications. The biggest drop was seen during the first lock down period. Applications gradually increased as the year progressed. 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 restrictions.

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 2020/2021 this generated £1,056 in income.

Table 7: Licensing Pre-Application Advice	2019/2020	2020/2021
Small	3	7
Medium	4	2
Large	1	0
Extra-large events	1	0
Total	9	9

35. 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 2021/22 to support local businesses, whilst ensuring that we cover officers' staffing costs when providing this service.

Debt Management

37. The current debt as of 31 March 2021 was £18,215. The service ensures debt management is a priority and this is reflected in the total debt owed and the age of the debt. Our policy is that officers will initially make a friendly call to operators if a fee is owed. The service has found that this type of early contact has resulted in a higher percentage of payments compared to writing debt letters without any personal engagement.
38. However, despite the team's best efforts there are some fees which 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 2020/21 there were 228 suspension letters issued by the team and consequently **27 licences are currently suspended.**

Table 8: Suspensions of premises licences		Suspension letters sent
39.	2019/20	279
On	2020/21	228

ce a licence is suspended our enforcement officers will contact and visit the premises to see if the business is still operating and providing licensable activities and if so, collect the outstanding debt or advise them 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

40. 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.

41. Table 9 below details the enforcement action taken during the 2020/21 period.

Table 9: Inspection and Enforcement	Output	Total 2020/21
Licensing visits	Number of visits to a premises including checking for Covid compliance, monitoring and test purchases.	341
Covid 19 inspections	Number of premises visited and full Covid secure inspection undertaken	392
Covid 19 Prohibition Notices	Number of PNs issued for Covid contraventions	4
Fixed Penalty Notices	Number of FPNs issued for Covid contraventions	4
Warning letters issued	Number of warning letters issued for breaches of licence	30

42. Table 9 above illustrates that during 2020/21 the team were predominantly focused on covid compliance visits and inspections. Our strategy has continually altered depending on the restrictions and legislation introduced by central government. This has been particularly challenging due to the sheer number of complex legislative changes which have taken place, often with no prior warning.
43. 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.
44. The Licensing Service co-ordinated several multi agency visits, during this period. The purpose of the visits was to try and quickly identify any premises which were taking little or no Covid-19 measures and to offer advice in the first instance.
45. During the pandemic local authorities were given the authority to issue fixed penalty notices (FPNs) for Covid non-compliance. These notices streamlined our enforcement actions as we were able to issue fines to gain compliance,

rather than having to pursue 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 £3,000.

46. Prior to the pandemic, officers would regularly undertake risk assessments of licensed premises. This was put on hold during this period whilst we investigated non covid compliance complaints.

Service Improvements

47. The main area of service improvement work during this period was relating to the Covid 19 response and amending our processes and procedures to enable the service operating an electronic service.

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.

Policy Update

Statement of Licensing Policy

49. The Licensing Act 2003 ("The 2003 Act") requires every Council to have a 'Statement of Licensing Policy' ("SLP") which will include information outlined in the Secretary of State's Statutory Guidance to Licensing Authorities in England and Wales, as amended from time to time.
50. 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 the 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 for any magistrates' court appeals against licensing decisions.
51. 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 by July 2022 at the latest. A link to the current policy can be found on the council website at:

[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)

52. The Licensing team is currently planning for the forthcoming renewal and revision of the existing policy before the July 2022 deadline. The timetable below outlines the current schedule to ensure that a fully consulted and revised SLP is ready to be taken to a Full Council meeting in May 2022.

Licensing Policy (expires 4th July 2022)

- 31st January 2022 – start of 12 week consultation.
 - 21st March 2022 - Community Safety and Environment Policy and Accountability Committee.
 - 28th March - Evidence gathering study starts.
 - 24th April 2022 – Evidence gathering study ends.
 - 24th April 2022 – 12 week consultation ends.
 - 25th May 2022 - Full Council meeting– Revised licensing policy approved.
53. Given that an evidence study for any new cumulative impact policy (CIP) areas has now been deferred to a later date, the intention is that any such study will be tailored so it informs our decision for the renewal of our Licensing Policy, as well as any future CIP areas.

Statement of Gambling Policy

54. The Gambling Act 2005 became effective in 2007 and Hammersmith & Fulham published its Statement of Gambling Policy (SGP) in January of that year. Section 349 of the Act 2005 requires all licensing authorities to prepare and publish an SGP that they propose to apply in exercising their functions under the Act during each three-year period to which the gambling policy applies.
55. Any SGP may last for a maximum of three years and can be reviewed and revised by the relevant authority at any time during that period. The Council's current SGP took effect in January 2019 and expires in January 2022.
56. The Licensing team started a public consultation on newly revised SGP as outlined below:
- 12 July 2021 – start of 10 week consultation.
 - 19 July 2021 - Community Safety and Environment Policy and Accountability Committee.
 - 19 September 2021 – end of 10 week consultation.
 - 19 January 2022 - Full Council meeting to approve revised SGP.

57. A number of minor amendments were suggested at the outset of the consultation and proposals were also made to remove our current no casino resolution. A further proposal was also made to try to limit the time during which adult gaming centres can open to 11pm (they can currently operate 24 hours). A proposal has recently been suggested to further reduce this time 10pm which is currently being investigated.
58. All of the consultees thought that the Council should retain its no casino resolution. There was also strong support for limiting the times during which AGCs could operate. The Police were also in support of a limitation of hours for AGC premises and had no concerns with the removal of the Council's no casino resolution.
59. However, during the consultation period a number of consultees raised concerns in relation to the proposal to limit the times during which AGCs could open. The Licensing team has since received legal advice on this point, and the other suggested changes, which confirms that these alterations are lawful. A link to the proposed changes to the current Policy can found below:

[Appendix 2 - Summary of changes made to the current 2019 Statement of Gambling Policy.pdf](#)

Cumulative Impact Assessments (CIAs) – Fulham and Shepherds Bush

60. The Council currently has two cumulative impact policies (CIPs) in Fulham and Shepherd's Bush. These policies were introduced in 2009 and 2011 respectively. The Policing and Crime Act 2018, which came into force on the 6 April 2018, outlined that any evidence for existing cumulative impact policies should be renewed no later than three years after the legislation was introduced i.e. by the 6 April 2021.
61. The Covid-19 pandemic has meant that evidence could not be collected as was planned in 2020. The delay in gathering evidence has meant that the supporting evidence for both CIPs expired on the 6 April 2021.
62. If any evidence was gathered during the pandemic it would almost certainly not have been a true indication of the way the day / night-time economy would operate in the future, and could have potentially provided misleading or inaccurate information.
63. The Licensing Authority has now carried out a public statutory consultation on the removal of the policies from our overall Statement of Licensing Policy (SLP). This consultation took place following the timetable below:
- 2 July 2021 – 8 week consultation starts.
 - 19 July 2021 – Consultation report presented to members of the Community Safety and the Environment Policy and Accountability Committee.

- 27 August 2021 – 8 week consultation ends.
 - 19 January 2022 - Full Council meeting to remove of CIPs from the Council's Statement of Licensing Policy and possibly introduce new CIP areas (depending on an evidence gathering study).
64. As part of the consultation process we asked consultees for their thoughts on the future of CIP areas in the borough, and how effective they felt the outgoing areas had been. We also asked if they thought we should delay any potential evidence gathering for new policies until 2022, when the hospitality sector has (hopefully) returned to some form of normality.
65. In summary, the majority of the responses were strongly in favour of the expired CIP areas and the restrictions they imposed on licensed premises. There was also support to go ahead with an evidence gathering study, delayed until 2022, to support new CIP areas.
66. All of the information from consultees will be incorporated into a report for Full Council in January 2022. If the recommendations in the report are approved the policies will be removed and new policies will be introduced, depending on the forthcoming evidence gathering study.

Enforcement Policy

67. 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 link to the Regulators Code can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913510/14-705-regulators-code.pdf

68. These include taking a consistent approach to enforcement and being proportionate in response to any licensing breaches. To achieve this, we have adopted an enforcement policy which sets out our general approach to enforcement. A link to the current policy can be found on the Council's website at:

https://www.lbhf.gov.uk/sites/default/files/section_attachments/environmental_health_and_regulatory_services_enforcement_policy_-_september_2020.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)

69. 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 being postponed. 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.

70. 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.
- l. 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

71. 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.
72. Our enforcement policy contributes towards the corporate priorities of the Council and open and transparent decision making

Risk Management Implications

73. 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 - Details of the Licensing Sub Committees

Appendix 2 - Details of Appeals

Appendix 3 – Details of complex cases

Date of Hearing	Premises	Postcode	Type	Ward	Decision	Description
22.04.2020	Savannah	W12 7JD	Review	Shepherds Bush Green		Cancelled
17.06.2020	AB Wines	W12 7JD	Review	Shepherds Bush Green	Grant with conditions	Review of premises licence
24.06.2020	Broadway Food and Wine	SW6 1AE	Review	Fulham Broadway		Postponed
22.07.2020	Broadway Food and Wine	SW6 1AE	Review	Fulham Broadway	Revoke the licence	Review of premises licence
29.07.2020	Savannah	W12 8NL	New grant	Shepherds Bush Green	Refused application	New premises licence
29.07.2020	Secrets	W6 0LR	Renewal of a SEV licence	Hammersmith Broadway	Grant with conditions	Renewal of a Sexual entertainment venue licence
30.07.2020	Jack's	SW6 2UH	Review	Sands End	Revoke the licence	Review of premises licence
19.08.2020	Krystals Food Market	SW6 5HE	Full Variation	Town	Grant with conditions	Standard Variation of a premises licence
01.09.2020	Shell, Fulham Cross	W6 9NT	Full Variation	Fulham Reach	Grant with conditions	Standard Variation of Premises Licence
03.09.2020	37 Hestercombe Avenue	SW6 5LL	New grant	Munster	Grant with conditions	New premises licence
01.10.2020	81-85 Bloemfontein Road	W12 7DA	New grant	Wormholt & White City	Grant with conditions	New premises licence
05.11.2020	Co-Op	SW6 1NG	New grant	Fulham Broadway	Grant with conditions	New premises licence
03.12.2020	Insomnia	W12 8PH	New grant	Addison		Cancelled

14.12.2020	Pizza Pronto	W14 8TD	New grant	Avonmore and Brook Green	Grant with conditions	New premises licence
14.12.2020	Village Stores	SW6 1HL	New grant	Parsons Green and Walham		Cancelled
16.12.2020	The KAF	SW6 2UF	New grant	Sands End	Grant with conditions	New premises licence
16.12.2020	The KAF Larder	SW6 2UF	New grant	Sands End	Grant with conditions	New premises licence
14.01.2021	The Hampshire Hog	W6 9JT	Full Variation	Hammersmith Broadway	Refused application	Standard Variation of Premises Licence
18.01.2021	Flame Flame	W12 7JA	New grant	Shepherds Bush Green	Refused application	New premises licence