

Licensing Committee Minutes

Monday 27 June 2022

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Wesley Harcourt and Zarar Qayyum.

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

Present: Councillors Mercy Umeh (Chair), Paul Alexander (Vice-Chair), Asif Siddique, David Morton, Bora Kwon, Florian Chevoppe-Verdier, Patrick Walsh, Jose Afonso, Aliya Afzal-Khan and Dominic Stanton

There were no declarations of interest.

Officers: Adrian Overton, Licensing Policy & Enforcement Manager, Valerie Simpson, Strategic Lead for Environmental Health and Regulatory Services, Maria Dimitriou, Licensing Officer, Jane Astbury, Interim Chief Solicitor Planning and Property and Charles Francis, Committee Coordinator.

3. **OPEN MINUTES OF THE MEETING HELD ON 26 OCTOBER 2021**

The OPEN minutes of the meeting held on 26 October 2021 were agreed as an accurate record.

4. **ANNUAL LICENSING COMMITTEE REPORT APRIL 2021 TO MARCH 2022**

Adrian Overton, Licensing Policy & Enforcement Manager, introduced the members of the Licensing Team and the Legal Advisor to the Committee.

He explained his role and responsibilities comprised of three key areas. These included: the administration and issuing of licences (including sub-committees), the enforcement of approximately 1,000 licences across the borough and from April 2021, overseeing the markets and street licensing function.

He explained the presentation would cover a range of topics, including a staffing update, the Licensing Team's performance and work activity 2021-22, a financial update (on income and debt) and a break-down of the 2021 licensing sub-

committee applications. Further aspects included the licensing policies currently in effect and the committee comments on the draft licensing policy for 2022.

Adrian Overton provided an overview of the Licensing Activities which the Department oversaw and then provided a staffing update.

Staffing Update

Adrian Overton explained there had been a number of staffing changes in the previous year and one of the most significant was Lisa White, the Licensing Administration and Enforcement Manager who left in January 2022 after 15 years' service. It was noted that Lisa's post had not been replaced on a like for like basis which had allowed a new structure to be introduced. Karen Layug was now the Licensing Administration Team Leader. Changes included:

- Markets and street functions were transferred to the Licensing Team.
- Only one support officer in post as Markets Manager retired in 2021.
- Recruitment: Team Leader seconded from the LET. Officer successful at interview for permanent recruitment.
- NGDP placement for 6 months
- Currently need an additional Licensing Enforcement Officer.
- Currently need an Apprentice to support markets.
- Formal divisional reorganisation pending to help with resilience and succession planning.

Markets and Street Trading

Adrian Overton provided an overview of the service which included the monitoring, regulation, and enforcement of 119 pitches across the borough including North End Road, Lyric square and Wood Lane. As well as, Match Day Football pitches around the 3 main clubs and other miscellaneous sites.

Details were provided on the North End Regeneration project, day to day duties and also the regular site inspections which were necessary. It was noted that a new Markets Policy would be developed during 2022.

The Team's Performance in 2021/22

Maria Dimitriou, Licensing Officer, drew the Committee's attention to some of the key statistics in relation to the work from the previous year. Key points included:

- 2021/22 – dealt with 1,240 applications, compared to 756 in 2020/21 – a 64% increase.
- The highest area of increase was in Temporary Events Notices (TENs) where 315 more were received than in 2020/21. In terms of the Gambling

Act, the number of adult gaming centres had increased from 3 to 4 in 2021/22 (overall there were 31 gambling premises in the borough.

- In 2021/22, 31 licensing sub-committee meetings took place, compared to 19 in 2020/21 which was an increase of 41%.

Financial Management

In terms of the Financial Management for the period 2021/22, Adrian Overton explained that Application Fee income had increased from £57,851 in 2020/21 to £108,025 in 2021/22 which was an 86% increase, which illustrated that the hospitality sector in Hammersmith and Fulham was recovering.

It was noted that licensing debt had reduced from £18,215 to £10,000 which was a 45% decrease on the previous year and had been achieved by officers being ruthlessly financially efficient, as well as chasing new debt as quickly as possible.

An update was also provided on the financial situation for markets, and it was noted that the total income for 202/22 was £208,000, which primarily stemmed from street trading fees. Details were also provided on pre-application income generation.

Service Improvements

Adrian Overton outlined the improvements which had been achieved. These included:

1. Online renewal process introduced for market traders.
2. A night surgery and two-night audits.
3. Business engagement.

And several service improvements were planned in the medium term. These were:

1. Project plans for migrating data to a new database.
2. Develop a Night-time Economy (NTE) Performance Dashboard to measure the impact of our work.
3. NTE Working Group Action Plan.

Details were provided on the (NTE) Economy Working Group which was started in 2021. This sought to bring a number of partners together, stimulate the NTE and increase the number of licensing applications in non-residential areas. Areas of work covered by the NTE included: Business friendly licensing policies, further work on the Safety of Women at Night (SWAN) and making the 'Ask for Angela' initiative more prominent.

Licensing Enforcement

Adrian Overton provided an overview of the inspection and enforcement activities for the period 2021/22. He explained this area of work had been especially busy

due to the additional covid-19 inspections which were required. It was noted 395 inspections were conducted in addition to the Team's usual licensing work and 4 covid fixed penalty notices were issued. Five hundred and thirty-nine complaints were dealt with which involved site visits and or reviewing CCTV footage of alleged incidents, as well as response to the complainant explaining what steps could be taken.

This had been an especially challenging time for the Council's sole enforcement officer and Adrian welcomed the staff changes which meant the service was in a position to recruit a further enforcement officer.

Statutory Review of the Council's Statement of Licensing Policy

Adrian confirmed the timescales and process for the renewal of the Council's Statement of Licensing Policy, and it was noted it would be endorsed at Full Council on 13 July 2022. Adrian confirmed the agenda included a copy of the amended Policy which had taken into account Members' feedback, and which took a more business friendly approach. Adrian confirmed that over 100 responses to the draft had been received from residents. Information arising from the NTE working Group, two night-time surgeries and a woman's night-time survey were used to create and inform the policy.

Adrian explained that the two cumulative impact policies were still included within the policy, but Licensing were in the process of reviewing consultation responses to these. Adrian highlighted the following 10 proposed changes to the policy.

These were:

1. More resident and business friendly, less legal jargon. Clearer guidance on late-licence non-residential areas
2. Clear overview of the Licensing process.
3. New details about the borough, e.g., the ward changes.
4. Reinforcing our commitment to climate change.
5. Highlighting some of the very best licensed, entertainment, leisure/hospitality venues in H&F.
6. New information about responsibilities under the Immigration Act 2016 and the Modern Slavery Act 2015
7. New information about 'Documents which demonstrate entitlement to work in the UK'.
8. Three key themes for the strategic aims of the policy: 1 A sustainable, well- run licensed sector encouraging investment 2. H&F a good place to live, work and enjoy leisure and 3. A safe licensing environment and night-time economy.
9. New policy section to outline our expectations.

10. Clear commitment to supporting more late licences in non-residential areas

Questions?

In relation to cumulative impact areas, Councillor Dominic Stanton asked whether the Council had a means to define what it meant by residential area, mixed use area or town centre or any specific maps. In response, Adrian Overton confirmed that the Council did not, and this was an area the Sub-Committee could explore within a hearing with the Applicant.

Councillor Stanton asked what effect the proposed cumulative impact areas (CIA) would have on the table of proposed (operating) times. Adrian Overton confirmed that as well as the CIA's, a committee would need to take into account a variety of factors such as operating times, representations and other evidence during its decision making.

Commenting further, Valerie Simpson, Strategic Lead for Environmental Health and Regulatory Services, explained the intention was to develop maps to complement the suggested (operating) hours and Licensing would be working with colleagues within the Economy Department as new regeneration projects developed. Valerie confirmed that since the draft policy had been issued, officers now thought it would be better if the table of suggested operating hours sat outside the policy so this could be amended more easily (should the need arise from new data) rather than be enshrined in the policy.

Councillor Florian Chevoppe-Verdier referred to the one-hour free service consultation for applicants. He asked what effect the Licensing Department anticipated this would have on the volume of applications that were submitted and the impact this would have on resources, as well as how long applicants would need to wait to access the service. In response, Adrian Overton confirmed it was too early to say at this stage. However, if this service resulted in more applications, then it would generate more income for the Council and might result in a larger licensing team should the level of applications warrant it.

RESOLVED –

1. That the Committee approves the Annual Licensing Committee Report 2021/22.

2. That the Committee endorses the draft and amendments to the London Borough of Hammersmith and Fulham - Statement of Licensing Policy 2022 – 2027

5. 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, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Meeting started: 6.30 pm
Meeting ended: 7.12 pm

Chairman

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