

# Licensing Committee

## Agenda

Monday 27 June 2022 at 6.30 pm

This meeting will be held remotely. You can watch it live on YouTube:  
[www.youtube.com/hammersmithandfulham](http://www.youtube.com/hammersmithandfulham)

### MEMBERSHIP

Administration	Opposition
Councillor Mercy Umeh (Chair) Councillor Paul Alexander (Vice-Chair) Councillor Asif Siddique Councillor Zarar Qayyum Councillor David Morton Councillor Bora Kwon Councillor Wesley Harcourt Councillor Florian Chevoppe-Verdier Councillor Patrick Walsh	Councillor Jose Afonso Councillor Aliya Afzal-Khan Councillor Dominic Stanton

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# Licensing Committee Agenda

27 June 2022

<u>Item</u>	<u>Pages</u>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATIONS OF INTEREST</b>	
<p>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.</p> <p>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.</p> <p>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.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
<b>3. MINUTES</b>	4 - 10
<p>To approve the minutes of the meeting held on 26 October 2021.</p> <p><b>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 the Committee members only.</b></p> <p><b>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.</b></p>	

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

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**This item includes appendices 2 and 3 which contain 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. DISCUSSION OF EXEMPT ELEMENTS**

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

# Agenda Item 3

London Borough of Hammersmith & Fulham

## Licensing Committee Open Minutes



Tuesday 26 October 2021

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sue Macmillan, David Morton, Zarar Qayyum, Frances Stainton and Matt Uberoi

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

**Present:** Councillors Natalia Perez (Chair), Fiona Smith (Vice-Chair), Wesley Harcourt, Asif Siddique, Dominic Stanton and Matt Thorley

Councillor Matt Thorley declared an interest in relation to a premises mentioned in the exempt agenda.

Councillor Dominic Stanton declared an interest in relation to a premises mentioned in the exempt agenda.

**Officers:** Adrian Overton, Licensing Policy & Enforcement Manager, Lisa White, Licensing Administration & Enforcement Manager, Cristina Perez-Trillo, Licensing Enforcement Officer, Jane Astbury, Interim Chief Solicitor Planning and Property, Gerta Kodhelaj, Senior Solicitor and Charles Francis, Committee Coordinator.

**Responsible Authorities:** Tom Stewart and Ben Chadwick, Metropolitan Police

### 3. OPEN MINUTES OF THE MEETING HELD ON 15 FEBRUARY 2021

The OPEN minutes of the meeting held on 15 February 2021 were agreed as an accurate record.

#### **4. ITEM 4 - ANNUAL LICENSING COMMITTEE REPORT APRIL 2020 TO MARCH 2021**

Adrian Overton, Licensing Policy & Enforcement Manager, introduced the members of the Licensing Team to the Committee. He also highlighted that Tom Stewart and Ben Chadwick from the Metropolitan Police were in attendance.

He explained the presentation would cover a range of topics, including the Council's (Licensing) response to the pandemic, although this update would not be as detailed as the one provided in February 2021.

##### **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 (with improved resident engagement) and it was hoped these could continue in this way. Although the vast majority of Licensing activities were provided online, personal licence applications still required passport photos to be submitted which meant these could not be processed virtually.

During the pandemic, new procedures and processes were created such as the drafting and process for signing licences. Enforcement activities were conducted by drive-by inspections to establish whether premises were operating in contravention of Covid legislation.

Adrian Overton confirmed that enforcement became more complex when the tiered regulations were imposed, and new legislation had to be digested by the Service and communicated to licence holders in a concise way. He confirmed that parties that had ignored repeated warnings were issued with fixed penalty notices and prohibition notices. It was also noted that Hammersmith and Fulham set a precedent as the first Licensing Authority, nationally, to revoke a licence for Covid-19 offences. He explained that Covid legislation had now been removed and the focus of the Service had shifted to assisting businesses as they tried to adapt to new economic climate, which included risk assessing new business ventures.

##### **Key Statistics highlighted in the report**

Lisa White, Licensing Administration & Enforcement Manager, drew the Committee's attention to some of the key statistics in relation to the Licensing Act 2003 – alcohol, late night refreshment and entertainment premises as follows:

- Currently 951 licensed premises and 3687 personal licences across the borough.
- 2020/21 – dealt with 756 applications, compared to 1589 in 2019/20 – a 53% reduction (mainly due to temporary event notices)
- 43% increase in premises licence applications for 2020/21 despite being in and out of numerous lock downs

- Slight decrease in the number of gambling premises – 32 in 2019/20 to 30 in 2020/21
- 121 active permits and small lottery
- The number of scrap metal sites and sex establishments have remained unchanged

### **Financial Management**

In terms of the Financial Management for the period 2020/21, Lisa White explained that the total income was £307,900 which represented a decrease on the previous year which was mainly caused by a decrease in the application fees generated from temporary event notices.

Total licensing debt in March 2021 was £18,215, which although not good, was only a modest increase on the previous year, given the constraints the entertainment and hospitality sectors were operating under during 202/21. It was noted that 228 suspension notices were issued which was approximately the same number as the previous period.

### **Inspection and Enforcement**

Adrian Overton provided an overview of the inspection and enforcement activities for the period 2020/21. He explained that the Enforcement Team investigated a wide range of complaints stemming from sources such as residents, councillors, local businesses and government departments. It was noted that the Team actively worked in partnership with the Police following instances of crime and disorder in the immediate vicinity of licensed premises.

He explained that the collaborative approach to enforcement was exemplified in the fortnightly Licensing Action Group meetings which all responsible authorities were invited to. Adrian reiterated that during 202/21, the Team had mainly focused on Covid compliance and had made 392 visits.

Cristina Perez-Trillo, Licensing Enforcement Officer, confirmed that since Covid restrictions had been removed, the Team had received an increased number of residential complaints, mainly related to customer noise. The Team were conscious that the necessity of home working meant they needed to be mindful of this and advise operators accordingly. Cristina also highlighted that part of her enforcement role also focused on developing good channels of communication between operators, residents and the Authority so that if issues arose, these could be addressed quickly and effectively.

### **The Cumulative Impact Policies in Fulham and Shepherd's Bush**

Adrian Overton confirmed that the Licensing Service was due to carry out a review of both policies in 2020 to assess the evidence for the renewals of both policies. However, this did not occur due Covid-19 restrictions.

It was noted that a consultation on the removal of the policies and possible evidence gathering for new policies had now taken place. This showed there was strong support for the existing policies with the caveat that evidence gathering was delayed until 2022. The original intention was for both CIP policies to be removed from the Council's Annual Statement of Licensing Policy at Full Council on 20 October 2021, however, it was agreed to delay this decision until Full Council in January 2022.

Adrian Overton set out the options of either beginning a short evidence gathering session over the winter months or delaying this until the spring of 2022. He highlighted that the evidence for both policies had already lapsed and that in the interim, the Authority had been reliant on Section 182 guidance to inform its decision making without specific CIP policies in place. Adrian confirmed that no appeals had been received during this period.

### **Gambling Policy**

Adrian Overton provided an update. It was noted that a new policy had not yet been approved by Full Council. Members confirmed the Authority would maintain its no casinos resolution and there was widespread agreement that Adult Gaming Centres (AGCs) should be limited to 11pm. Adrian confirmed that the Service was also looking to further reduce AGC operating hours to 10pm and a decision would be taken at the January 2022 Full Council meeting.

### **Licensing Policy**

Adrian confirmed that the Council's Statement of Licensing Policy was due to expire in July 2022 and the Service was looking to shift its focus to what activities were permitted rather than merely list all those which were prohibited. Innovations included offering free pre-application advice to small businesses which hoped to provide entertainment and working with the London night czar to promote and support a 24-hour borough in London. Details and timelines were also provided for consultation pertaining to the renewal of the policy.

### **Questions?**

Adrian Overton asked the Committee its views on the following questions: 1. whether officers should delay the evidence gathering for new CIP areas, and 2. If AGCs should close at 11pm (or look for additional evidence to shut these at 10pm)?

Councillor Dominic Stanton asked officers to clarify what the current status was with regards to the policy. Adrian Overton confirmed that CIPs could be taken into account per se, but the committee could not take onto account the policies because the evidence for both CIPs had expired.

Councillor Dominic Stanton noted what officers had said about the different approaches to consulting either in the winter and the spring about CIPs and asked what the implications were? In response, Adrian Overton explained that both CIPs had expired in April 2021. In his personal view, it would be better if both CIPs were removed from the Statement of Licensing Policy to ensure applicants (for licences) were not misled, until such time that there was a robust evidence base for their reintroduction.

Given the impact of Covid, Councillor Dominic Stanton asked what lobby the Authority had undertaken to the government, to extend the evidence gathering window beyond the 3 years. In response, Adrian Overton confirmed that H&F had not conducting any lobbying, but he was aware that some had been done by Westminster Council. It was noted that several Councils had let their CIPs expire deliberately and had removed their CIP policies from their overall Licensing Policy.

Jane Astbury, Interim Chief Solicitor Planning and Property, confirmed Counsels' opinion was that it was better to wait until further information had been collected which could be put before Full Council, rather than remove the policies at this stage.

The Chair asked the Police representatives for their views on the past year. In response, PC Tom Stewart confirmed the Police had been consulted about the removal of the policies. In his view, the Shepherds Bush CIP should be in place sooner rather than later due to the high levels of crime and disorder (attributable to the off-sales of alcohol) which took place in this area. In comparison, levels had fallen in Fulham and this decision was less clear. PC Tom Stewart mentioned that several premises had approached the Police about extensions to their licensable hours in Fulham which was a reaction to the CIP not being in force. The Police confirmed that each application would be assessed on its merits and there would not be a presumption to refuse an application just because the CIP was not in place.

Moving forwards, PC Tom Stewart confirmed the close working relationship between the Police and the Council would continue and any issues which needed to be raised would be flagged at the bi-monthly LAG meetings. Sargent Ben Chadwick echoed Adrian Overton's comments and agreed there had been a national move away from Cumulative Impact Assessment policy, and since the start of the Covid period, he confirmed that LB Westminster had removed 2 of their 3 CIAs.

The Chair confirmed the Committee was content to be guided by the expertise of officers in relation to when it was best to gather the evidence for future CIPs. With regards to the closure time of AGC's, the Chair asked if there was scope to compromise on the closure time of AGCs and whether these could be closed at 10:30pm rather than 11pm or 10pm. In response, Adrian Overton explained that the Service had already done a 10-week consultation on the 11pm closure option. PC Stewart explained it was his view, that it was a positive step to ratify the reduction in hours (to 11pm) for AGCs as soon as possible rather than delay this decision. The Chair thanked the Police for this useful steer and suggested closing time.

Adrian Overton reiterated that the Service valued the views of Councillors and was always open to have discussions about current policy and its future development.

**Resolved –**

**That the Committee notes the report and provides comments as appropriate**

**5. ITEM 5 - VERBAL DISCUSSION ON DEADLINES FOR LATE EVIDENCE SUBMISSIONS FOR LICENSING SUB COMMITTEE**

Adrian Overton explained that recently, applicants had started to submit large volumes of evidence within hours of the start time of the Licensing Sub-Committees. To limit this from happening, the Service was seeking guidance from members for the introduction of either a 24- or 48-hours deadline for the late submission of evidence.

The Chair agreed this change would benefit future hearings and sought the Committees views on the proposal. Councillor Fiona Smith agreed a hard deadline was a good idea as many of the Committee members worked. She felt that if this was incorporated into the Council's licensing procedures, then discretion should not be used after the deadline had passed. The submission of late evidence tended to put a spotlight on certain key aspects within a hearing, whereas the application needed to be considered as a whole.

Lisa White, Licensing Administration & Enforcement Manager, confirmed that any deadline for the late submission of evidence could only be guidance, as legally, the applicant was entitled to submit late evidence. It was important to highlight that the later a party left their evidence, the greater the risk was of having the hearing adjourned.

Jane Astbury, Interim Chief Solicitor Planning and Property confirmed it had to be a fair and full process and there was an entitlement to submit late evidence. However, if members were minded to introduce late evidence guidance, there would be a hope that applicants would abide by this.

The Chair sought officers' views on what an appropriate deadline for the late submission of evidence might be. Adrian Overton and Jane Astbury's initial views were that 24 before a hearing appeared to be a reasonable timeframe.

Councillor Dominic Stanton commented that it was human nature for anyone to push a deadline as hard as they could. In view of this, he suggested 48 hours ahead of the meeting (so the committee would receive the evidence 24 hours before the hearing). Councillors Wesley Harcourt, Asif Siddique and Matt Thorley all agreed that 48 hours ahead of the meeting was preferable (but that there would be some occasions when discretion would need to be used for very late evidence).

**Resolved –**

**That the deadline for late evidence of 48 hours before a hearing be written into the Council’s Licensing procedure note (by Legal Services) as guidance.**

**6. ITEM 6 - POOL OF CONDITIONS - VERBAL UPDATE**

Lisa White explained that following discussions with the Police, PC Tom Stewart had suggested slight revisions to four conditions in the Authorities Pool of Conditions in relation to deliveries.

The changes were to the use of refusals books and proof of age policy. Lisa White asked the Committee if it was happy to delegate these changes to officers to add weight to these conditions.

**Resolved –**

**The Committee agreed that officers make minor amendments to the four conditions as highlighted above.**

**7. ITEM 7 - 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: 8.05 pm

Chair .....

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## London Borough of Hammersmith & Fulham

**Report to:** Licensing Committee

**Date:** 27 June 2022

**Subject:** Annual Licensing Committee Report April 2021 to March 2022

**Report author:** Karen Layug 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 service for the period between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2022 and includes the following:

- a) Staffing, team performance and work activity in 2021/22.
- b) A financial summary of the team's income and debt.
- c) An update on the status of the current licensing policies in effect.
- d) Details of 2021 - 2022 licensing sub committees (*in Appendix 1 attached to this report*)
- e) Details of all current and concluded appeals in 2021 -2022 (*in Appendix 2 attached to this report*)
- f) Details of complex cases (*in Appendix 3 attached to this report*).

**Exempt:** Appendix 2 and Appendix 3 are not for publication on the basis that they contain 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).

### Recommendations

1. That members of the Licensing Committee note the contents of this report and provide any comments, suggestions or recommendations for the team.
2. That members of the Licensing Committee also endorse the draft Licensing Policy for adoption by Council in July (*in Appendix 5 attached to this report*)

**Wards Affected:** All.

<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	The policies and strategies outlined in this report seek to welcome and encourage responsible licensing operators to the borough. This could bring new business investment, new employment opportunities and more visitors to enjoy their leisure time. Enforcement actions can potentially have a detrimental impact on businesses and as such we are always pragmatic with our enforcement powers by offering businesses compliance advice and guidance in the first instance.
Creating a compassionate council	The service is compassionate to the needs of businesses and residents. The proposed draft revised statement of licensing policy (2022 to 2027) has a strong focus to support woman and vulnerable individuals using the night-time economy. The policy is also very business focused, trying to help new business starting up in the borough.
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 very closely with residents in relation to licensing applications and we also regularly attend resident's meetings
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 whilst also having an ethical approach to 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	One of the legacies of Covid-19 has meant many officers now work from home. This has reduced the amount of time officers spend travelling around the borough on visits, meetings, and licensing hearings. This new way of working has many positives which the team would like to continue to develop in the future.

### **Financial Impact**

For 2021/22 the Licencing Unit managed within its existing service budget of £0.342m. External income generated from licensing activities during 2021/22 (i.e. excluding recharges to other Council departments) was £381,000. This is an improvement of £73,000 (24%) compared to 2020/21 (£308,000). As of 31 March 2022, total overdue licensing debt was £9,933. This is an improvement of £8,282 (45%) compared to 31 March 2021 (£18,215).

Implications verified by Kellie Gooch, Head of finance (environment), 15 June 2022.

## **Legal Implications**

The Council, as Licensing Authority, is required by law to comply with its statutory duties in accordance with the following legislation:

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- Licensing Act 2003
  - Gambling Act 2005
  - Local Government Miscellaneous Provisions Act 1982
  - Local Government Act 1972
  - The Policing and Crime Act 2017
- 

The Licensing Service produce this Annual Report to the Licensing Committee to evidence how it is discharging its licensing functions and seek feedback on the licensing policies such as the revised Statement of Licensing Policy, the approval of which is reserved to Full Council in accordance with Article 4 of the Council's Constitution.

Implications verified by Jane Astbury, Chief Solicitor (Planning, Property, Licensing and Highways) 15 June 2022

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

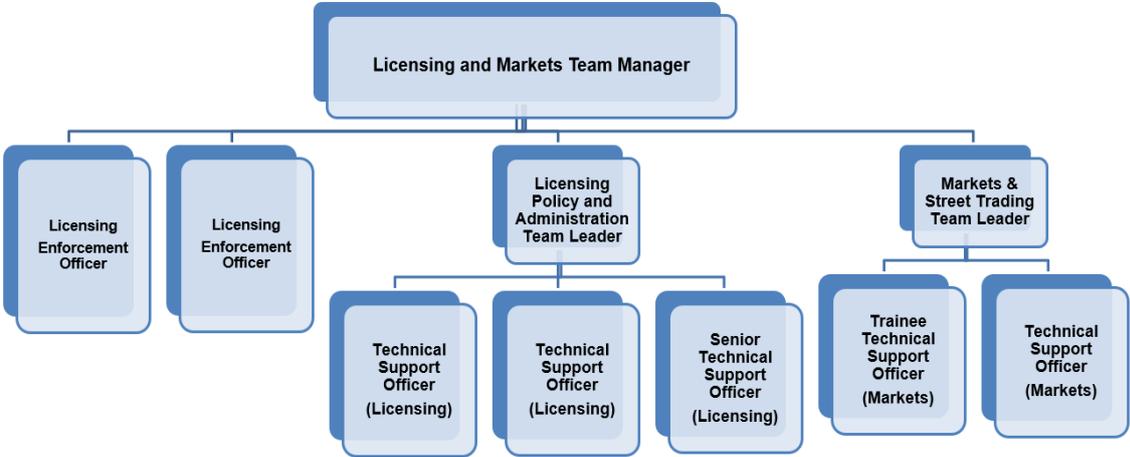
None

## **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, street trading, 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.

**Licensing Team Staffing Structure**



- 4. The Licensing Service now also includes the Markets and Street Trading team. This function moved over to the service on 1 April 2021.
- 5. In January 2022 the Licensing Administration and Enforcement Manager left the service and so some changes had to be made to ensure resilience. The new structure now includes an overall team manager, who is supported by two Team Leader posts, to help with career and personal development, team resilience and succession planning.

**Markets and Street Trading**

- 6. This service includes the monitoring, regulation, and enforcement of approximately 119 pitches across the borough including North End Road, Lyric square, Wood Lane, Match Day Football pitches around the 3 main clubs and other miscellaneous sites. We also issue distribution of free literature licences within the approved zones and at approved point of distribution within the borough.
- 7. Markets and Street Trading is managed using The London Local Authorities Act 1990 (LLAA/The Act.) The Act dictates that no profit is to be made by the Council and provides a specific structure for charges and enforcement, whilst protecting the rights of the licensed trader. The LLAA limits what the Council can charge, as only reasonable costs related to the market operation can be collected. This includes administration, enforcement, street cleaning around trading and collecting and disposing of waste.
- 8. Day-to-day duties of the markets team include pitch allocations, taking payments, chasing debts, raising invoices, receiving, checking, and issuing street trading licences alongside renewal of existing temporary and permanent trader licences every six to twelve months respectively.

9. Administratively the team must ensure all traders have all the required documentation to ensure trading is safe for both them and members of the public. This includes Public Liability Insurance up to £10 million, Food Safety Certification, LPG-Gas certificates and PAT-Portable Appliance Testing when using gas or electric equipment whilst street trading.
10. Operationally we conduct regular site inspections to all sites, to monitor the site and compliance with the licence conditions and take actions where breaches occur. On a weekly basis Lyric Square and Wood Lane require commercial bags to be distributed
11. Periodically we review and update planning permissions. Look for suitable sites to apply for planning permission and support planning applications from traders.
12. The team work closely with the economy team and the Local BID planning one off special market events and issuing the licences required throughout the year.
13. The markets team are also responsible for managing waste contracts to ensure the cleanliness of the market pitches are maintained to a high standard.
14. We investigate and respond to complaints around licenced street traders, noise, rubbish, overpitching, parking, and instances of illegal street trading with assistance from the Law Enforcement Team and Trading standards.

### **Income 2021/2022**

15. Table 1 below outlines the income received by the service for the period 2021/2022

<b>Table 1: Income generated</b>	<b>2021/2022 '000</b>
<b>Licence Fees</b>	25
Street Trading fees	178
Distribution of Free Literature	5
<b>Total Income</b>	<b>208</b>

### **Investment in North End Road**

16. The markets team are heavily involved in the community-led redesign of North End Road which is focused on providing a long-term enhancement of the market and supporting the growth of existing and new businesses.
17. To date the borough has invested £1.9m into these public realm improvements, including creating seating areas, dwell areas, replacing paving and kerbs, and improving market pitches.
18. The key market pitch improvements include the levelling of all market pitches and the installation of EV chargers and water standpipes. The regeneration works are

scheduled to finish on or before the 24<sup>th</sup> September 2022. After which the road will be closed for a day to host a seasonal market to celebrate the end of the regeneration.

19. We are actively encouraging new traders to North End Road market and have designed an introductory market trading offer which looks to encourage new traders to the area.

## **Team performance, work activity and key achievements in 2021/22**

### **Licensing Act 2003**

20. 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
21. The work of the Licensing Team involves developing and implementing policy, issuing licences, inspections, enforcement, finance management, preparing reports for licensing sub-committee and service improvement.
22. The authority currently has 977 licensed premises (this includes alcohol, gambling, sex establishments and scrap metal premises) and had granted 3824 authorisations for personal licence holders under the Licensing Act 2003. Tables 1 – 9 below illustrate the Licensing Authority’s performance during 2021/22. Data from 2020/21 has been included for comparison purposes.

### **Applications**

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

<b>Table 1: Licence/authorisation type</b>	<b>No. of applications received</b>	
	<b>2020/2021</b>	<b>2021/22</b>
New premises licence/ certificate applications	85	96
New personal licence applications	114	127
Premises licence/ certificate full variation applications	28	20
Premises licence/ certificate minor variation applications	29	25
Designated premises supervisor (DPS) variations applications	131	253
Transfers of premises licences applications	64	70
Notification of change of name and/or address, lost licence, DPS removals, interested party notification	134	163

and condition extensions		
Temporary event notices (TENs), Late temporary event notices.	171	486
<b>Total number of applications processed by the team</b>	<b>756</b>	<b>1240</b>

24. Overall, in 2021/22, the service dealt with a total of 1240 applications/notifications under the Licensing Act 2003 compared to 756 in 2020/21. This is an increase of 64%
25. In 2020/21 there were substantially less Temporary Event Notices (TENs) submitted - 171 in 2020/21 compared to 486 in 2021/22 due to the covid pandemic, and covid restrictions, where events were not being held or applied for in the borough. The lifting of covid restrictions resulted in a 184% increase in TENs.
26. There was a 93% increase in DPS variations - 253 in 2021/22 compared to 131 in 2020/21 as the government implemented the roadmap out of lockdown and licenced premises reopened.

### **Gambling Act 2005**

27. 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.
28. 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**

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

<b>Table 2: Types of gambling premises</b>	<b>Total</b>	
	<b>2020/21</b>	<b>2021/22</b>
Adult Gaming Centres	3	4
Betting Shops/ Track Betting	24	24
Bingo	3	3
<b>Total</b>	<b>30</b>	<b>31</b>

30. The data in table 2 shows there has been an increase of 1 Adult Gaming Centre from 3 in 2020/21 to 4 in 2021/22. In addition to the above there are 54 active permits and small society lottery authorisations in effect.

## Licensing Sub Committee Hearings

31. Where a representation is made to an application, or a review application is submitted, a sub-committee needs to be arranged to reach a decision.
32. In 2021/22 a total of 32 licensing sub-committee hearings were organised, this is an increase of 41% compared to 19 for 2020/21. A breakdown is provided below. 30 of the hearings were to consider premises under the Licensing Act 2003. 1 application heard was for the grant of a new adult gaming centre, and 1 was heard for the renewal of the Sexual Entertainment Venue (SEV) premises under the Local Government Miscellaneous Provisions Act 1982.
33. Table 3 below illustrates the total number of sub committees.

<b>Table 3: Total number of Licensing Sub Committee hearings organised</b>	<b>2020/21</b>	<b>2021/22</b>
<b>New Premises Licence</b>	10	26
<b>Variation of a Premises Licence</b>	3	4
<b>New Gambling Premises Licence</b>	0	1
<b>Review Applications</b>	5	0
<b>Renewal of SEV licence</b>	1	1
<b>Total</b>	<b>19</b>	<b>32</b>

34. A summary of the decisions made by the licensing sub-committee can be seen in Table 4 below:

<b>Table 4: Licensing Sub Committee outcomes new, variations and renewals</b>	<b>2020/2021</b>	<b>2021/22</b>
<b>Granted/Agreed</b>	1	3
<b>Agreed in part</b>	8	13
<b>Refused</b>	3	9
<b>Disposed / Adjourned*</b>	2	7
<b>Total</b>	<b>14</b>	<b>32</b>

35. As shown in table 3 above, the licensing service did not receive any review applications in 2021/22, compared to 5 in 2020/21.
36. Table 4 includes the number of cases where a sub -committee hearing was convened but was disposed/ adjourned; the licensing service dealt with further cases that received representations and a significant amount of time was spent resolving them prior to the last date for representations, therefore these cases did not need to be heard by the sub-committee.

## Appeals

37. 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.
38. There were 2 appeals lodged against the decisions of the licensing sub-committee in 2021/22 the same number as in 2020/21. A full report on all current appeals and appeals heard in 2021/22 can be seen at Appendix 2.

### **Finance Management**

39. 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 2021/2022**

40. Table 5 below outlines the income received by the service for the period 2021/2022

<b>Table 5: Income generated</b>	<b>2020/2021</b>	<b>2021/2022</b>
<b>Annual fees</b>	£245,827	£268,527
<b>Application fees</b>	£57,851	£108,025
<b>Covid 19 Fixed Penalty Notices</b>	£3166	£3,333
<b>Pre-Application advice fees</b>	£1056	£1,321
<b>Cost recovery - Appeals, legal cases</b>	£0	£0
<b>Total Income</b>	<b>307,900</b>	<b>381,206</b>

41. The licensing teams income from application fees increased by 86% in 2021/22 as businesses reopened following the lifting of Covid restrictions and applications for TENs increased significantly.

### **Pre-application advice**

42. Since 2015 the Licensing Team has offered a pre-application advice service for small, medium, large licence applications and extra-large events. Table 6 below illustrates the number of requests where Licensing Officers have provided pre-application advice. In 2021/22 this generated £1,321 in income.

<b>Table 6: Licensing Pre-Application Advice</b>	<b>2020/21</b>	<b>2021/22</b>
<b>Small</b>	7	7
<b>Medium</b>	2	5
<b>Large</b>	0	0
<b>Extra-large events</b>	0	1
<b>Total</b>	<b>9</b>	<b>13</b>

43. The pre-application advice service still represents excellent 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.
44. The team will continue to promote the pre-application advice service in 2022/23 to support local businesses. Please note that there is also a proposal in our current draft Statement of Licensing Policy to offer free pre application advice for small independent businesses.

### **Debt Management**

45. Debt management is a priority. The total overdue debt as at 31 March 2022 was £9,933, an improvement of £8,282/45% compared to 31 March 2021 (£18,215). The number of suspension letters issued in 2021/22 was significantly lower than the previous year as the number of overdue licence fees was lower. The team carried out debt recovery calls and visits to licensees in order to support businesses and be compassionate to their needs before issuing suspension notices.
46. 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 2021/22 there were 72 suspension letters issued by the team and consequently 11 licences are currently suspended.

<b>Table 7: Suspensions of premises licences</b>	<b>Suspension letters sent</b>
<b>2020/21</b>	228
<b>2021/22</b>	72

47. Officer's provided

advice and arranged payment plans where needed in order to help those struggling to pay. The team will continue to build an alliance of support, working with local businesses to help them.

### **Inspection and Enforcement**

48. 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.

49. Table 8 below details the enforcement action taken during the 2021/22 period.

<b>Table 8: Inspection and Enforcement</b>	<b>Output</b>	<b>Total 2021/22</b>
<b>Complaints received</b>	Number of complaints received by the enforcement team	539
<b>Warning letters issued</b>	Number of warning letters issued for breaches of licence	59
<b>Licensing visits/ inspections</b>	Number of visits/ inspections to a premises including checking for compliance, monitoring and test purchases	151
<b>Risk Assessments</b>	Number of full risk assessments undertaken at a premises	35
<b>Advice Given</b>	Number of occurrences where advice has been by enforcement officers including to businesses and residents	576
<b>Number of meetings</b>	Number of meetings with businesses, multi-agency meetings, and residents meetings.	56
<b>Covid 19 inspections</b>	Number of premises visited and full Covid secure inspection undertaken	395
<b>Fixed Penalty Notices</b>	Number of FPNs issued for Covid contraventions	4

50. Table 8 above illustrates that during 2021/22 the team received 539 complaints. 59 warning letters were issued. The preference is to enforce through advice and mutual agreement, where possible and the team actively work with businesses and individuals to advise on and assist with compliance.

51. 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.

## **Service Improvements**

### **Data Integrity**

52. 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. We continue to ensure we maximise use of our financial systems to aid in the invoicing of fees and receipting of payments. We continue to review information published on our website to ensure it is kept up to date.
53. The team are working with the digital services team and other business departments to ensure this data integrity is maintained upon migration to a new land and property case management system

### **Policy Update**

54. A summary of all the policies relating to the Licensing Service can be found on the following webpage. <https://www.lbhf.gov.uk/business/licensing/licensing-policy>

### **Review of the Statement of Licensing Policy**

55. 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.
56. 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.
57. 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's website as follows:

[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)

58. The Licensing Service is currently consulting on the renewal of a draft SLP 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 Council meeting on the 13<sup>th</sup> July 2022.

Activity	Date(s)
<b>Statutory public 6-week consultation BEGINS</b>	13 <sup>th</sup> May 2022
<b>Strategic Leadership Team (SLT) meeting</b>	25 <sup>th</sup> May 2022
<b>Political Cabinet</b>	6 <sup>th</sup> June 2022
<b>Statutory public 6-week consultation ENDS</b>	24 <sup>th</sup> June 2022
<b>Licensing Committee</b>	27 <sup>th</sup> June 2022
<b>Council</b>	13 <sup>th</sup> July 2022

59. The revised policy has been updated to reflect the Council’s manifesto commitment to support new businesses and a vibrant night-time economy which is also sensitive to the needs of residents.
60. The draft SLP now has a different style, with three distinct sections, and three new themes, to make it more business friendly and accessible for those with no prior knowledge of licensing.
61. A Council report which details all of the proposed changes to the SLP is attached as Appendix 4. A copy of most the recently amended draft SLP is included as Appendix 5.

### **Statement of Gambling Policy**

62. 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.
63. 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 SGP was reviewed last year, as it took effect in January 2019 and was due to expire in January 2022.
64. The revised SGP 2022 - 2025 was approved at a Full Council meeting in January 2022.

### **Enforcement Policy**

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

66. These obligations 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 enforcement policy can be found on this page.

<https://www.lbhf.gov.uk/business/licensing/licensing-policy>

**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)**

67. The key priorities for the Licensing Team in 2022/23 are as follows:
- a. Help to support the revival of the night-time economy and nightlife in our town centres; with more late licences, in non-residential areas to make H&F an even more attractive place to live and work and to keep money in the local economy rather than people needing to travel into central London for nightlife.
  - b. Encourage well-managed late licences in non-residential areas so that restaurants and cafes can profit from a considerate night-time economy.
  - c. Respond to public complaints, councillor complaints and other requests for service and investigate within service standards.
  - d. 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.
  - e. 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 whilst being sensitive to the circumstances of local businesses.
  - f. 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) and the H&F Night-Time Economy Working Group.
  - g. Promote the 'Ask for Angela' scheme and making it more visible, as an initiative to protect women and other vulnerable persons using licensed premises in H&F.

- h. To continue to promote the pre-application advice service to assist businesses and increase income and identify other forms of income for the service.
- i. To continue to improve our online application service for businesses and to reduce paper within the service.
- j. 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;
  - Licence conditions check;
  - Sales of illegal alcohol;
  - Employment of illegal workers; and
  - Gambling premises inspections.
- k. 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.
- l. Partnership working with the Police and other agencies such as Barnardos to carry out further Child Sexual Exploitation (CSE) visits at licensed premises.
- m. Reduce the number of incomplete licences issued and continuous service improvement work on the licensing database.
- n. Draft and introduce a revised statement of licensing policy which is welcoming to new businesses, whilst being considerate to residents and protecting the interests of vulnerable individuals.

### **Equality Implications**

- 68. 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.
- 69. Our enforcement policy contributes towards the corporate priorities of the Council and open and transparent decision making

### **Risk Management Implications**

- 70. 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**

None

**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**

**Appendix 4 – Draft Council report for the adoption of the Council’s Statement of Licensing Policy 2022 –2027**

**Appendix 5 – Draft Statement of Licensing Policy 2022 -2027 incorporating recent amendments.**

## Appendix 1

### **Licensing sub-committee meetings in 2021 /22**

- [2 Feb 2022 6.30 pm](#) - Agenda, Decisions; Venice Pizza
- [17 Jan 2022 6.30 pm](#) - Agenda, Decisions; Taco Bell
- [13 Jan 2022 6.30 pm](#) - Agenda, Decisions; Access Self Storage and Londis
- [12 Jan 2022 6.30 pm](#) - Agenda, Decisions; 51 Fulham Broadway
- [10 Nov 2021 6.30 pm](#) - Agenda, Decisions; Kennedys Fulham
- [28 Oct 2021 6.30 pm](#) - Agenda, Decisions; Getir UK Limited
- [4 Oct 2021 6.30 pm](#) - Agenda, Decisions; Snowflake Ice Cream
- [28 Sep 2021 6.30 pm](#) - Agenda, Decisions; The Good Shepherd Primary School
- [16 Sep 2021 6.30 pm](#) - Agenda, Decisions; Flame House
- [13 Sep 2021 6.30 pm](#) - Agenda, Decisions; 44 Aldbourne Road
- [29 Jul 2021 6.30 pm](#) - Agenda, Decisions; Arch 93
- [13 Jul 2021 6.30 pm](#) - Agenda, Decisions; Riverside Studios
- [21 Jun 2021 6.30 pm](#) - Agenda, Decisions; London Wonderground
- [16 Jun 2021 4.00 pm](#) - Agenda, Decisions; Hoxton Market Ltd
- [14 Jun 2021 6.30 pm](#) - Agenda, Decisions; Fulham Kitchen
- [2 Jun 2021 6.30 pm](#) - Agenda, Decisions; W6 Express and Boki
- [19 May 2021 7.00 pm](#) - Agenda, Decisions; Secrets and Little Vegas
- [18 May 2021 6.30 pm](#) - Agenda, Decisions; Premier Inn
- [11 May 2021 6.30 pm](#) - Agenda, Decisions; Delina & Basement and Ground Floor, 584 King's Road London SW6 2DX
- [27 Apr 2021 6.30 pm](#) - Agenda, Decisions; 11A Hannell Road London SW6 7RA
- [26 Apr 2021 6.30 pm](#) - Agenda; Premier Inn (adjourned)
- [22 Apr 2021 6.30 pm](#) - Agenda, Decisions; Sam's Riverside

### **Licensing sub-committee meetings cancelled in 2021/22**

- [15 Mar 2022 6.30 pm](#) - Agenda, CANCELLED; Jiffy Grocery
- [9 Mar 2022 6.30 pm](#) - CANCELLED; IKEA Limited
- [3 Mar 2022 6.30 pm](#) - Agenda, POSTPONED; The Tea House
- [22 Feb 2022 6.30 pm](#) - CANCELLED; Amber Hotel
- [16 Dec 2021 6.30 pm](#) - Agenda, CANCELLED; Fulham Palace
- [8 Dec 2021 6.30 pm](#) - CANCELLED; Cafe Compassion
- [1 Dec 2021 6.30 pm](#) - Agenda, CANCELLED; Tipple Hub

**LONDON BOROUGH OF HAMMERSMITH & FULHAM**

**Report to:** Council

**Date:** 13/07/2022

**Subject:** Adoption of the 2022 Revised Statement of Licensing Policy

**Report of:** Cabinet Member for Social Inclusion and Community Safety –  
Councillor Rebecca Harvey & Cabinet Member for Public Realm  
- Councillor Sharon Holder

**Report author:** Adrian Overton, Licensing Policy and Enforcement Manager

**Responsible Director:** Sharon Lea, Director of Environment

**SUMMARY**

The Licensing Act 2003 (“The 2003 Act”) requires every Council to have a ‘Statement of Licensing Policy’ (“SLP”). The Council’s SLP must be reviewed via public consultation, formally adopted and published every five years. The current SLP was adopted in July 2017 and therefore any revised policy must be adopted by Full Council and published by July 2022, to meet this statutory requirement.

**RECOMMENDATIONS**

1. That Full Council adopt the Statement of Licensing Policy (SLP 2022 - 2027) at Appendix 9.
2. That Full Council approve the retention of the Shepherds Bush Cumulative Impact Policy and have regard to the Cumulative Impact Assessment at Appendix 10.
3. That Full Council approve the retention of the Fulham Broadway Cumulative Impact Policy and have regard to the Cumulative Impact Assessment, at Appendix 10.

**Wards Affected:** All

<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	The revised statement of licensing policy seeks to welcome and encourage responsible licensing operators to the borough and encourage late licences in non-residential areas. This could bring

Our Values	Summary of how this report aligns to the H&F Values
	new business investment, new employment opportunities and more visitors to enjoy their leisure time.
Creating a compassionate council	The revised statement of licensing policy supports a vibrant night-time economy that is sensitive to residents' needs.
Doing things with local residents, not to them	Residents have been consulted. The responses received from residents will be taken into consideration to help minimise any significant adverse impact on their enjoyment of their homes and local amenities.
Being ruthlessly financially efficient	The consultation has mainly been carried out electronically to minimise postal costs and the impact on the team budget.
Taking pride in H&F	The Licensing Authority's Statement of Licensing Policy and Cumulative Impact Policies (CIPs) help to consistently manage licensed premises and to uphold the four licensing objectives relating to public safety, crime and disorder, the safety of children and public nuisance.
Rising to the challenge of the climate and ecological emergency	The consultation has mainly been carried out electronically to minimise the use of paper, when compared to using a postal process.

## Financial Impact

There are no direct financial implications associated with the recommendations in this report. Any financial impact arising as a result of this policy e.g. public consultation, will be managed as part of the normal budget monitoring process.

Comments provided by Kellie Gooch, Head of finance (environment), 11 May 2022.  
*To be verified by Chris Harris, Andy Lord or Emily Hill*

## Legal Implications

Approval of the Statement of Licensing Policy and the revised Cumulative Impact Policies form the Licensing Authority Policy Statement and require the approval of

Full Council in accordance with Article 4 of the Council's Constitution. The Policy is due to be reviewed and endorsed by the 12 Members of the Licensing Committee on 27<sup>th</sup> June 2022 who consider matters relating to the discharge of the Council's licensing and related functions under the Licensing Act 2003, other than the adoption of the Licensing Authority Policy Statement, which is a matter for Full Council.

A statutory consultation for the Cumulative Impact Assessments has been carried out under section 5A of the Licensing Act 2003, this was carried out at same time as the statutory consultation under Section 5 of the Licensing Act 2003 for the Statement of Licensing Policy. In revising the Statement of Licensing Policy the Council had regard to Section 6(D) of the Licensing Act 2003 which requires the Council to have regard to the Cumulative Impact Assessments which were published under Section 5A.

Section 5 of the Licensing Act 2003 requires a Licensing Authority to determine its Statement of Licensing Policy at least every five years this includes the requirement to carry out a statutory consultation. Prior to adoption of the Statement of Licensing Policy Members of Full Council must carefully consider the consultation responses at Appendices 4 & 7.

Section 5A of the Licensing Act 2003 Act places a duty on licensing authority to carry out a statutory consultation prior to adopting a Cumulative Impact Assessment. In accordance with the legislative requirements the Cumulative Impact Assessment for Shepherds Bush and Fulham Broadway has been summarised in the Statement of Licensing Policy.

Prior to adoption of the Shepherds Bush and Fulham Broadway Cumulative Impact Assessment Members of Full Council must carefully consider the consultation responses at Appendices 4 & 7.

*Comments provided by Jane Astbury, Chief Solicitor (Planning, Property, Licensing and Highways), 27 May 2022*

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

**NONE**

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## **DETAILED ANALYSIS**

### **Introduction and Background**

1. The Council's SLP provides advice and guidance to the Licensing Authority when exercising its functions under the Licensing Act 2003. It also provides guidance to licence applicants and any objectors.
2. A SLP may last for a maximum of five years and can be reviewed and revised by the Council at any time.

3. The SLP could be reviewed, for example, in two years' time, should the Council decide that specific areas of the borough would benefit from a more flexible or different approach to encourage regeneration and to engage local residents and businesses, as appropriate.
4. There is a clear intention that the SLP should be a balance of encouraging regeneration and nightlife business in the borough, whilst helping the Police and other responsible authorities to regulate problematic operators.
5. The revised policy has been updated to reflect the council's commitment to supporting businesses and a vibrant night-time economy that is sensitive to the needs of residents.
6. A copy of the draft amended Statement of Licensing Policy that was sent out for consultation, is attached at Appendix 1 and the current 2017 – 2022 Statement of Licensing Policy is attached at Appendix 2 to this report.
7. Full Council are asked to adopt the final Draft Statement of Licensing Policy (SLP 2022 - 2027) at Appendix 9.

## Proposals and Analysis of Options

### Reviewing the Statement of Licensing Policy

8. In reviewing, updating and revising the Council's Statement of Licensing Policy, Officers have sought the views of key stakeholders via our H&F Night-time Economy Working Group and Responsible Authorities about what they would like to see in the revised council's Statement of Licensing Policy.
9. Officers have engaged extensively with local residents, businesses and councillors before formal statutory consultation and reporting to Full Council.
10. The review process begun in July 2021 and has been somewhat impacted and delayed by the recent pandemic. The review involved the following:
  - a) **Cumulative Impact Policy review:** *An 8-week consultation about the Cumulative Impact Policies in Shepherds Bush and Fulham Broadway. The results of the public consultation can be seen at Appendix 3.*
  - b) **Night surgery with Amy Lamé's GLA team:** *Involved council officers from the Licensing Team, Economic Growth, Law Enforcement Team, business reps, the police and a local resident.*
  - c) **Two overnight audits:** *Conducted with Night-Time Economy Solutions and involved council officers from the Licensing Team, Law Enforcement Team, business reps, the police and a local resident.*
  - d) **Stakeholder engagement with the H&F Night-Time Economy Working Group:** *The group has representation from officers from council teams including: Licensing, Environmental Health, Community Safety, Highways, Economic Growth, Planning, Business Intelligence, Digital Services, Communications, the Police and Business Improvement Districts.*
  - e) **Conducted a Mayor's Office for Policing and Crime (MOPAC) Statement of Licensing Policy Audit:** *This looked at a wide range of*

strategic and policy areas and has been used to strengthen our policy. See Appendix 6.

### **A summary of the key changes to the Statement of Licensing Policy**

11. The revised SLP now has a different style, with three distinct sections and three new themes to make it more business friendly. Key changes to the Council’s Statement of Licensing Policy are summarised at Appendix 8.

### **Timetable for formal adoption**

12. The timetable for formal adoption is detailed in the table below:

<b>Activity</b>	<b>Date(s)</b>
<b>Statutory public 6-week consultation BEGINS</b>	13 <sup>th</sup> May 2022
<b>Strategic Leadership Team (SLT) meeting</b>	25 <sup>th</sup> May 2022
<b>Political Cabinet</b>	6 <sup>th</sup> June 2022
<b>Statutory public 6-week consultation ENDS</b>	24 <sup>th</sup> June 2022
<b>Licensing Committee</b>	27 <sup>th</sup> June 2022
<b>Council</b>	13 <sup>th</sup> July 2022

### **Economic growth, regeneration and support for businesses**

13. The Council remains committed to be a major contributor to London’s economic growth over the next decade and being the most inclusive, smartest economic hotspot. Providing infrastructure that supports the economy.
14. Policy 12 reinforces our ‘Support for Local Businesses’ and highlights our commitment to regeneration and economic growth. The draft revised SLP encourages businesses to seek our support and advice at an early stage.
15. The SLP is clearer about encouraging and supporting businesses that are unlikely to have an adverse effect on our residents, visitors and businesses.
16. By working in more collaborative way we can help to ensure that the economic benefits of the night-time economy *are not* outweighed by any negative impacts, the loss of amenity, antisocial behaviour (ASB) or crime/disorder.
17. The licensing regime can help to improve the public realm to make it a better place for people to shop, eat, drink, relax and enjoy local arts and facilities.
18. The revised SLP supports the revival of nightlife, with more late licences in non-residential areas to make H&F an even more attractive place to live and work.

19. It encourages well-managed late licences in non-residential areas, to promote a considerate night-time economy; and attract retailers and hospitality outlets that provide new artistic, cultural, retail and recreational opportunities.

### **Area Specific Cumulative Impact Policies**

20. As part of the review of the policy we have introduced a new policy section. Policy 4 relates specifically to cumulative impact. It states that: '*The Licensing Authority will have regard to cumulative impact generally and may make specific reference to any special area cumulative impact policies in place during the duration of this policy*'.
21. This makes it explicit that the Council, as the Licensing Authority has the freedom and the flexibility to introduce special area cumulative impact policies, at any time throughout the lifetime of the policy.
22. To ensure that residents are protected from the negative impact of late-night local licensing activities the Licensing Authority may decide to adopt a special area cumulative impact policy where the number, type and density of premises providing licensable activities is having a serious negative impact on the local community and local amenities.
23. These *special area cumulative impact* policies can be used in response to concerns raised by local residents, the Police and other key stakeholders.

### **Cumulative Impact Policies and approaches in other inner London boroughs**

24. Officers have looked at how the council's policy and approach to cumulative impact compares to other London Boroughs.
25. Islington, Tower Hamlets, Hackney and Camden already have Cumulative Impact Policies (CIPs) within their boroughs. Islington has a total of six CIPs covering the following areas: Clerkenwell, Bunhill, Kings Cross, Angel and Upper Street, Holloway and Finsbury Park and the Junction area of Archway. Tower Hamlets has two CIPs covering the Bethnal Green and the Brick Lane areas. Hackney has two CIPs covering the Dalston and Shoreditch areas. Camden has two CIPs covering the Seven Dials and Camden Town areas.

### **Evidence required to support Area Specific Cumulative Impact Policies**

26. The Licensing Authority needs to assure itself that there is robust and sufficient evidence to support and to justify a particular area having a special area cumulative impact policy in place. *This evidence would typically include data from the police, ambulance service, noise complaints, antisocial behaviour reports, etc.*
27. Applications for new premises licences, club premises certificates or any variations within the Fulham Town Centre Area that are likely to add to the existing cumulative impact will normally be refused where a relevant representation has been made, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the Licensing Objectives. Accordingly, the presumption of refusal in this policy is not absolute

and the circumstances of each application will be considered where a relevant representation has been made

28. The evidence to support the Licensing Authority's decisions in respect of the two special area cumulative impact policies in Fulham Broadway and Shepherd's Bush expired on the 6 April 2021.
29. The evidence to renew the Council's two cumulative impact policies (CIPs) was due to be collected in the summer of 2020. The Covid-19 pandemic meant that evidence could not be collected as planned.
30. An 8-week consultation took place from 2 July 2021 – 27 August 2021 to establish the support for the current CIPs. In summary the majority of the responses were in favour of the expired CIP areas and the restriction they imposed on licensed premises, being retained. All of the comments from responses have been captured at Appendix 3.
31. Evidence gathering has taken place to see if the existing geographical areas covered by the policies are still relevant, or if they need to be extended, altered or removed.
32. The evidence gathered during the review process included: reports from the overnight audits, noise reports, police and community safety and licensing data.
33. In summary the consultation evidence showed that there was strong support for the retention of both the Shepherd's Bush and Fulham Broadway CIP areas. It is therefore proposed that both areas are retained.

#### **Other considerations**

34. The approach to alcohol and regulated entertainment licensing enforcement by council officers is to only target individual problematic premises that pose the highest risk. This approach is in line with the Regulators' Code and our enforcement policy.
35. The revised 2022 SLP reinforces our clear intent about working together to support and create a safe 24-hour business environment where people can work in more creative ways and benefit from a range of services, facilities, opportunities and amenities.
36. Our key consideration is to ensure that we continue to balance the often-conflicting needs of residents, businesses and visitors in a collaborative way.
37. In view of the above, two options have been proposed

**Option 1** - To adopt the draft, revised 2022 SLP, attached as Appendix 1.

**Option 2** – Do nothing and delay or extend the review. This option is not recommended as there is a legal requirement for the Statement of Licensing Policy to be reviewed and published at least every five years. Any delay will create a risk of challenge to the Council and therefore impact on the ability to make lawful licensing determinations.

## Reasons for Decision

38. The Council's adoption of the SLP is a legal requirement and will ensure that the council complies with the provisions of section 5 of the 2003 Act.

## Equality Implications

39. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in section 149 of the Equality Act 2010 ("the 2010 Act") to consider how the decisions they make, and the services they deliver, affect people who share any one of the nine protected characteristics as defined under section 149 (1) (7) of the 2010 Act in relation to age, race and disabilities etc. A screening for the equalities impact assessment has been carried out on the effect of the policy.
40. The policy has low relevance in relation to its impact on the areas under the statutory duties contained in the equalities impact assessment, but contributes towards the corporate priorities of the Council, in relation to having due regard to the three aims of the duty, namely:
- to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
  - to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
  - to foster good relations between people who share a protected characteristic and people who do not share it.

## Risk Management Implications

41. In line with the exercise of functions under the Licensing Act 2003, the proposed policy seeks to provide a balance between encouraging regeneration and nightlife business in the Borough, whilst helping the Police and other Responsible Authorities to regulate problematic operators. The revised policy seeks to reflect the council's commitment to supporting businesses and a vibrant night-time economy that is sensitive to the needs of residents.
42. The failure to meet new and existing statutory requirements is specifically addressed in the Environmental Health and Regulatory Services' risk register. Internal controls in place to mitigate this risk include forward planning, training, internal auditing and monitoring, periodic updates of the scheme of delegation and the business planning process.

*Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 24 April 2022*

## Climate and Ecological Emergency Implications

43. The changes to the current licensing policy are technical in nature and the overall change in style of the policy would have no significant foreseen climate

implications. The new sub policies with the proposed policy mainly relate to best practice and procedures (in terms of vulnerable adults or drink spiking for example) and would therefore have very limited effect. There are potential positive climate implications in relation to the retention of two separate cumulative impact policies in Shepherd's Bush and Fulham Broadway, as these policies would limit any new licensed premises in the area or restrict later opening hours for existing premises.

44. The business-friendly style of the policy may attract new operators to H&F, which could result in increased energy use if premises are newly brought into use or changed to a more energy intensive use (such as longer operating hours). The council's main levers to mitigate this are in planning policy, and enforcement of minimum energy efficiency standards, rather than licensing. However, cumulative impact policies should consider impacts on emissions and pollution, and licensing of new businesses should be used as an opportunity for engagement on energy efficiency and joining the council's Climate Alliance.

*Implications verified by Jim Cunningham, Climate Policy & Strategy Lead  
25 May 2022*

## Consultation

45. The Act states that, when reviewing its SLP, a Licensing Authority must consult:
- (a) the chief officer of police for the licensing authority's area,
  - (b) the fire and rescue authority for that area,
  - (c) each Local Health Board for an area any part of which is in the licensing authority's area,
  - (d) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
  - (e) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
  - (f) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
  - (g) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
  - (h) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
46. In addition to the organisations listed above, copies of the draft were sent to:
- Ward councillors
  - Residents' Associations
  - Neighbouring authorities
  - Community Safety Team
  - All Responsible Authorities

Details of this consultation was also included on our Licensing pages on our website web site on this page:

<https://www.lbhf.gov.uk/business/licensing/licensing-policy>

47. On the 13<sup>th</sup> May 2022 officers commenced public consultation on the draft amended policy. The public consultation continued for a 5-week period until the 17 June 2022. Please see Appendix 5 - Consultation questions for the draft revised Statement of Licensing Policy 2022 – 2027.
48. A total of **37 online consultation responses** and **2 email responses** have been received, with in excess of 100 hits to the consultation webpage. There has been a good mix of responses from residents and businesses with a 51% / 41% split between both respectively. The remaining 8% comprised owners and employees of non-licensed premises and 'other'.
49. The responses from the 'Responsible Authorities', i.e. the Metropolitan Police, the Council's Environmental Health teams, support the proposals.
50. During the consultation period it was noted that the cumulative impact assessment (CIA) was not published with the online survey information. The CIA was subsequently added to the online survey on the 31<sup>st</sup> May 2022 and the consultation deadline was extended to the 24<sup>th</sup> June 2022.
51. The majority of the responses (over 60%) either strongly agreed or agreed that:
- (a) H&F had a good balance between the regulation of licensed business and the needs of residents.
  - (b) H&F had a diverse, cultural entertainment offer for its residents and visitors.
  - (c) The three new themes were a good focus for the policy
  - (d) The new proposed policy is clear.
  - (e) There is enough advice to help with the process of applying for a new licence.
  - (f) Draft Policy 9 provided clarity on the enforcement options open to the council and in what circumstances different options might be used.
  - (g) Draft Policy 7 was clear about the timeframes and processes for applying for a Temporary Event Notice.
  - (h) The draft policy was clear how underage sales will be prevented and enforced if and when it occurred.
  - (i) There was sufficient information concerning vulnerable people working in and/or visiting licensed premises.
  - (j) The council should continue to keep a Cumulative Impact Policy in Fulham Broadway and in Shepherd's Bush, although a large number of respondents said that the Shepherd's Bush Cumulative Impact Policy should specifically relate to off licensed premises only.
52. A statistical breakdown of the responses received is included at Appendix 4. A table listing the relevant points raised in the responses received, can be found at Appendix 7.

## LIST OF APPENDICES

<b>Appendix 1</b>	Draft amended Statement of Licensing Policy <a href="#">Draft statement licensing policy 2022 to 2027</a>
<b>Appendix 2</b>	Current 2017 – 2022 Statement of Licensing Policy <a href="#">Current statement of licensing policy 2017 to 2022</a>

<b>Appendix 3</b>	Statistical consultation results for public 8-week consultation in 2021 about the Cumulative Impact Policies in Shepherds Bush and Fulham Broadway <a href="#">Responses from 2021 CIP consultation</a>
<b>Appendix 4</b>	Statistical consultation results received for the public 5 week statutory consultation on the proposed new statement of licensing policy <a href="#">Responses from 2022 SLP consultation</a>
<b>Appendix 5</b>	Consultation questions for the draft revised Statement of Licensing Policy 2022 – 2027 <a href="#">Consultation questions for 2022 - 2027 SOLP</a>
<b>Appendix 6</b>	MOPAC Audit - Annex 7 of the <a href="#">Draft statement licensing policy 2022 to 2027</a>
<b>Appendix 7</b>	Statement of Licensing Policy (SLP 2022 - 2027) - Record of responses and comments to public consultation <a href="#">Comments from 2022 SLP consultation</a>
<b>Appendix 8</b>	Key changes document - Statement of Licensing Policy 2022 – 2027 <a href="#">Key changes for 2022 - 2027 SOLP</a>
<b>Appendix 9</b>	FINAL Draft Statement of Licensing Policy (SLP 2022 - 2027) – incorporating consultation comments <a href="#">Final draft 2022 SLP including consultation comments</a>
<b>Appendix 10</b>	Cumulative Impact Assessment for Shepherd's Bush and Fulham Broadway <a href="#">CIA assessment for Shepherd's Bush and Fulham Broadway</a>

# **London Borough of Hammersmith & Fulham**

## **STATEMENT OF LICENSING POLICY**

**2022 - 2027**

**DRAFT**

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## Forward

Hammersmith and Fulham Council understands that a diverse, vibrant and safe night-time economy is vital to the success of a thriving London borough. We are therefore keen to actively encourage new businesses to the borough in an effort to create a varied and safe environment for all to enjoy.

However, we are equally mindful that alcohol is often the cause of anti-social behaviour, nuisance and disturbance caused to local residents, together with serious crime and disorder problems. We believe that well managed businesses and responsible operators are the key to addressing this problem. This policy outlines a clear message to anyone responsible for the operation of a licensed premises within Hammersmith and Fulham so they understand the part they play in trying to address these problems.

The separate policy areas (1-16) set a clear benchmark for operators, ensuring they are aware of their responsibilities, and our expectations, and that they always seek to promote the four licensing objectives as set out in the Licensing Act 2003.

We believe the policy strikes a balance between providing an environment within which responsible business operators can succeed and contribute towards a vibrant business and night-time economy in a sustainable way - promoting economic growth whilst protecting residential amenity.

I would like to thank the many businesses, amenity groups, residents and organisations that took time to join discussions and to input into the consultation for this policy. These contributions have been a vital source of information when reviewing our Statement of Licensing Policy.

# 1 Introduction

## Purpose of the Licensing Statement

Hammersmith & Fulham Council as the 'Licensing Authority' will have regard to this policy when carrying out its functions under the Licensing Act 2003 ("the Act").

The Act requires the Licensing Authority to publish this Statement of Licensing Policy. This policy will be used as a guide in decision making with regard to licensing matters.

The law provides a clear focus on the promotion of four statutory licensing objectives which must be promoted when licensing functions are undertaken, these are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Each objective is of equal importance. It is important to note that there are no other licensing objectives.

In carrying out its licensing functions, the Licensing Authority will actively seek to promote the four Licensing Objectives set out in section 4 of the Act and as outlined above.

To achieve these objectives the Licensing Authority will use its full range of powers and engage all relevant responsible authorities. The Licensing Authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, Trading Standards, Environmental Health, planning, home office, safeguarding children authority, Public Health, local businesses, community representatives and Hammersmith & Fulham residents and other stakeholders in meeting these objectives.

The Licensing Authority for the London Borough of Hammersmith & Fulham makes this Statement of Licensing Policy in accordance with section 5 of the Act.

This policy statement has, amongst other things, four main purposes which are:

- **To inform and advise Members of the Licensing Committee** of the powers of the Licensing Authority and the boundaries and basis for making their decisions.
- **To inform and advise licence applicants** what matters the Licensing Authority will consider when making decisions and how licensed premises are likely to be able to operate within the borough.
- **To inform and advise local residents and businesses** of the considerations which the Licensing Authority will take into account, when making licensing decisions.
- **To inform and advise Responsible Authorities** of their collective powers and responsibilities under the Act, to promote the four Licensing Objectives.

The Licensing Authority has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Act. Where it is necessary to depart from that guidance, the Licensing

Authority will give its reasons for doing so. A copy of the Statutory Guidance can be found on the licensing pages of our website.

Additionally, in formulating this policy document the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, the Equality Act 2010 and has also taken into account the provisions of the Crime and Disorder Act 1998.

The Act requires the Licensing Authority to review the licensing policy every five years. All reviews will be subject to consultation with all stakeholders. Comments received will be taken into account in the revised policy to be published. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

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

Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in west London, on the transport routes between the city and Heathrow airport. It is a long, narrow borough, running north to south with a river border at its south and south-west side. It is bordered by six London boroughs – Brent to the north, Kensington and Chelsea to the east, Wandsworth and Richmond-upon-Thames to the south, and Ealing and Hounslow to the west. Not including the City of London, it is the third smallest London borough in terms of area, covering 1,640 hectares. It has three town centres – Shepherd’s Bush, Hammersmith and Fulham and is made up of 21 electoral wards. These range in size from 55 hectares to 344 hectares.

Hammersmith & Fulham is a socially diverse area with a cosmopolitan population, sharing the advantages and disadvantages of inner-city life. This presents the challenge of securing the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. To date, the Licensing Authority has been successful in seeking to strike this balance and has a proven track record of treating each application in a fair and considered way.

Green spaces have been protected and extended to improve the local quality of life. Hammersmith & Fulham Council has made a clear commitment to climate change. With the risk of increased flooding in the borough and climate change posing a danger to lives and livelihoods worldwide, we want to lead by example. We want our licensed premises to do all they can to fight climate change. We welcome green initiatives such as increasing the use of electric vehicles, minimising food waste, making the borough safer for cyclists and pedestrians, promoting low emission bus zones, stopping the use of single use plastics and taking other measures to improve air quality. We want to ensure that our licensed businesses are good for the borough and local people and we also want them to be good for future generations.

Hammersmith & Fulham combines all the very best of London in one borough:

- a thriving cityscape full of commercial opportunity and entrepreneurship
- wonderful parks and open spaces from the glorious terrain of Wormwood Scrubs to the delightful Bishop’s Park
- the Riverside Studios entertainment venue and other bars and restaurants along a two-mile stretch of the Thames River path flowing under the iconic Hammersmith Bridge
- seven superb theatres catering to all tastes including two of London’s major live entertainment venues, the world-famous Hammersmith Eventim Apollo and the Shepherds Bush Empire.
- three professional football teams (Chelsea, Fulham and Queens Park Rangers)

- great connections with 15 tube stations and direct rail links to Heathrow and Gatwick
- superb open-air markets such as at North End Road, Lyric Square and Shepherds Bush.
- the site of a globally-renown University (Imperial College London)
- home to one of Europe's largest shopping centres, Westfield and a national exhibition centre, Olympia.

Most importantly its greatest asset is its people: a rich diversity from across the world who have made Hammersmith & Fulham their home and brought their cultures with them. So it is truly the best borough to visit, work and live in. You can view the borough profile [here](#).

### **Aims of the Licensing Authority**

The Licensing Authority is keen to promote the cultural life of our borough and licensing will be approached with a view to encouraging all forms of licensable activity that are carried out in ways consistent with the four Licensing Objectives.

Our licensing policy is designed to build upon the work presently carried out by the Licensing Authority to maintain a dynamic, innovative and attractive place to live, work and relax, to support businesses to be resilient and for residents to be well served and not unduly disturbed. The Licensing Policy is also intended to align with, and support other strategies and visions that the Council has published. The Licensing Authority intends to work in partnership with others to ensure integration with local crime prevention measures, planning, transport, tourism, cultural and equal opportunities strategies and policies.

We aim to focus on premises which are causing problems within our communities. We will have a lighter touch for most businesses and community activities which enhance peoples' lives and their enjoyment of leisure time without having a negative impact. Premises that are associated with any crime or disorder, threaten public safety, generate public nuisance or threaten the wellbeing of children, will be targeted for enforcement action.

Hammersmith & Fulham as a central London borough, provides a diverse range of licensable leisure and entertainment venues and events. This brings opportunities and benefits to potential new and existing businesses in the licensing industry. For our residents, it can bring local employment and enjoyment from the current regeneration of our three town centres. We will use this licensing policy, alongside other initiatives, to promote the positive aspects of life in the borough; and to manage the negative impacts (e.g. noise nuisance, anti-social behaviour and crime and disorder).

## **2 Key Themes of the Statement of Licensing Policy**

We recognise that the global pandemic has been a challenging time for the licensing sector and for the residents of Hammersmith & Fulham. The Licensing Authority is keen to support the licensed sector and leisure offer within the borough, with a particular focus on business resilience and growing a robust and thriving cultural and leisure sector.

To achieve this the Licensing Authority has identified **three key themes** of the Licensing Policy and the Licensing Authority's approach to implementing it. These are:

- A sustainable, well-run licensed sector;

- Hammersmith & Fulham as a good place to live, work and enjoy leisure; and,
- A safe licensing environment and night-time economy.

**Theme 1: A sustainable, well-run licensed sector which seeks to encourage new investment whilst supporting existing operators**

**The Council wants to ensure that:**

- Our Licensing Policy supports our licensed sector and the cultural, leisure, hospitality, and entertainment options within it available to Hammersmith & Fulham residents.
- It is easier for well-run local businesses to operate by having a clear, fair and accessible licensing process and system.

**We aim to do this by:**

- Providing clarity and certainty for businesses through pre-application and other business advice.
- Providing clear guidance to applicants on the process for applications and what will be taken into consideration when an application is made.
- Using the H&F Night Time Economy (NTE) Working Group to work collectively with partners.
- Providing a clear outline of when and how enforcement will be applied, with clear guidance on processes and approaches relating to enforcement.
- Providing clarity on review processes and circumstances that trigger licensing reviews.
- Clearly outlining the process for applying for Temporary Events Notices.
- Promoting partnership working approaches, based on mutual aims and efficient ways of working e.g. supporting the promotion of recognised partnership schemes like 'Ask for Angela'.
- Encouraging and supporting best practice operations.
- Alignment with wider London approaches (e.g. Mayor's vision for London as a 24 hour city), where it is appropriate for the needs of the borough.
- Adopting a Policy which helps to create a safe and orderly licensed sector in Hammersmith & Fulham, which is key to the wellbeing of the residents, workers and visitors to the borough.

**Theme 2: Hammersmith & Fulham as a good place to live, work and enjoy leisure**

**The Council wants to ensure that:**

- Our licensed sector adds value to the diverse cultural, leisure, hospitality, and entertainment offer that is available to residents, workers and visitors in our borough.
- This Licensing Policy helps in the work towards maintaining an open, accessible, inclusive, safe and orderly wider licensed sector that caters to the diverse population of the borough.

**We aim to do this by:**

- Using pre-application advice and other ways to provide guidance on how to minimise the negative impacts on residents, workers and visitors within the borough. E.g. noise nuisance, smoke, odours.
- Encouraging licensees to participate in voluntary schemes, like PubWatch and 'ask for Angela' and to support each other to implement responsible management and best practice approaches.
- Improving our processes and opportunities for ongoing engagement with residents in relation to licensing matters.

- d) Providing clear guidance on expectations of licensees with regard to queuing and dispersal practices to minimise any nuisance to residents.
- e) Providing clear guidance on expectations of how outdoor areas of licensed premises are managed and should be operated to reduce noise, odour, and smoke pollution to residents.
- f) Improving how we identify and outline our health aims in our Licensing Policy and the linkages with social care and health services to address the health impacts related to licensed premises.
- g) Improving how we communicate our expectations on licensing hours for different types of premises, in different parts of the borough. E.g. By designating areas by type residential, local town centre, larger town centres, entertainment areas and areas attracting visitors from other parts of London and wider. These designated areas could then have preferred opening hours associated for each type of premises.
- h) Improving how we communicate our expectations and the details required for large events and events on council public land and TENs policies.
- i) Supporting specific policies and conditions relating to street drinking and congregation around off licences – outlining the clear approach of the Council to reducing street drinking for off-licences.
- j) Providing detailed guidance on expectations for the operation of licensed premises that are primarily offering a delivery service, to minimise noise and disturbance.

### **Theme 3: A safe licensing environment and night time economy**

#### **The Council wants to ensure that:**

- Licensing partners, licensees, residents and the wider local community work together to prevent crime and disorderly behaviour, and to make the licenced sector open, inclusive and safe for the diverse population of the borough.
- The licensed sector is managed well to protect children, young people and vulnerable people.

#### **We aim to do this by:**

- a) Working in partnership to design out crime and disorder, to address specific crime issues and to support licensees to operate well to minimise crime and disorder in the licensed sector.
- b) Improving our robustness on underage drinking policies, conditions and enforcement responses and clarity on underage times, places and activities in licensed premises.
- c) Effectively using mandatory and local pool of licensing conditions for guidance on operating safely. We will continue to refine these, to meet future licensing challenges in the borough.
- d) Improving the local business community by enforcing against those businesses that don't operate well, are breaking the law and do not contribute to making the borough safe and orderly.
- e) Supporting [Violence Against Women and Girls strategies](#), the principles of the Women's Night Safety Charter and outlining our general expectations around vulnerable people in the NTE.
- f) Clearly outlining our Trading Standards team's underage sales enforcement policies and our process for controlled test purchase operations.
- g) Clearly outlining right to work matters (as required by the Act), for licensees and those authorised to sell alcohol and helping to address issues that contribute to modern slavery.
- h) Clearly outlining our door staff expectations: expected numbers of door staff needed by venue capacity and type; training requirements; and liaison with borough officials and police.
- i) Supporting specific policies around expectations on delivery services, with a strong focus on age verification processes, and staff safety.

- j) Supporting licensees and licensed applicants to engage in Council programmes and training, e.g. [Welfare and Vulnerability Engagement' training package \(WAVE\)](#) to identify and respond to Child Sexual Exploitation (CSE) and other safeguarding concerns.

### 3 Key principles

The Licensing Authority has significant experience and awareness of the requirements of, and issues surrounding, the entertainment, hospitality, and leisure industry. We will work with the community and our key stakeholders to ensure mutual co-existence.

The Licensing Act 2005 provides the entertainment, hospitality and leisure industries with greater freedom and flexibility to meet the demands of its customers but also provides additional responsibilities for licensees and some extra powers for the Licensing Authority and other authorised officers to work closely to protect residents from disturbance.

This Licensing Authority, with support from the other enforcement agencies, will keep the activities of these licence holders under review. This means that all concerned must work closely together in partnership for the community, of which both businesses and residents form a part. This includes the following principles:

- Responsible Authorities or other persons may view applications for Club Premises Certificates and Premises Licences and may make representations to the Licensing Authority where they believe a licence application, if granted, will undermine one or more of the Licensing Objectives. (See Glossary of terms for other persons and Responsible Authority definitions)
- All relevant representations will be considered during the decision-making process, unless they are considered to be frivolous, vexatious or repetitious in nature. All representations must be made to the Licensing Authority. Only written representations sent electronically (e.g. email), by post or hand delivered will be accepted, however, where circumstances prevent this the Licensing Authority shall consider any other forms of representation on a case-by-case basis.
- If relevant representations are received by the Licensing Authority, the application will be determined by a Licensing Sub-Committee consisting of three Members of the full Licensing Committee. Where no relevant representations have been made licences will be issued by council licensing officers under delegated powers. In making decisions on licence applications, the Licensing Sub-Committee must have regard to the Act and relevant Regulations, the Guidance published by the Home Office under s.182 of the Act, and this Statement of Licensing Policy.
- Applicants should also have regard to these documents when preparing their applications. Applicants should note paragraph 8.34 of the Secretary of State's Guidance in particular, which states that:

***'Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:***

- i. the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;

- ii. any risk posed to the local area by the applicants' proposed licensable activities; and
- iii. any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Please see policy 1 for more information regarding local area risk assessments.

- Where relevant representations have been received by the Council, conditions attached to licences, certificates and Temporary Event Notices will be tailored to the individual style and characteristics of the premises and events concerned. They will relate to the licensing objectives and be restricted to matters within the control of individual licence holders.
- In making decisions on licensing applications and imposing conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Hammersmith & Fulham Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications and reviewing this policy. The Council will have regard to:

**Article 1:** of the First Protocol; that every person is entitled to peaceful enjoyment of his or her possessions.

**Article 6:** that in the determination of civil rights everyone is entitled to a fair and public hearing within a reasonable period of time by an independent and impartial tribunal established by law.

**Article 8:** that everyone has the right to respect for his home and private life; and

## 4 Scope of the Policy

Nothing in this policy will prevent any person from applying for a variety of permissions under the Act.

The Policy has been drawn up in consultation with a number of responsible authorities, bodies and organisations, including members of our Licensing Action Group and Night-Time Economy Working Group.

This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.

The policy relates to the following activities (known as licensable activities) that are required to be licensed under the Act:

- a. The retail sale of alcohol including licensing of individuals, premises, and purchases via the internet or mail order;
- b. The supply of alcohol to members of club premises;

- c. The provision of regulated entertainment in the presence of an audience. The meaning of regulated entertainment is described in more detail in the Licensing Act 2003, and in particular in Schedule 1 of that Act and includes:
- film exhibitions
  - performances of a play
  - indoor sporting events
  - boxing or wrestling events
  - live music performances
  - playing of recorded music
  - performances of dance

Further details regarding regulated entertainment and exemptions from the need for licensing permissions can be found in the Glossary attached to this document.

- d. The provision of late night refreshment i.e. supply of hot food or hot drink from premises, anytime between 11pm and 5am; and,
- e. The licensing of activities on a temporary basis, Temporary Event Notices (TENs)

The two main types of licences issued under the legislation are personal and premises licences. Club premises certificates can also be issued for qualifying clubs carrying out qualifying club activities. Temporary Event Notices (TENs) may be issued for licensable activities involving no more than 499 people and lasting no more than 168 hours (7 days). References to licences in this document include certificates, TENs or other permissions under the Act.

Licensing is about regulating licensable activities on licensed premises, at qualifying clubs and at temporary events within the terms of the Act.

Accordingly, conditions will centre on the premises and on the vicinity of those premises. What is in the vicinity will depend on the facts of each individual case. However, the Licensing Authority will primarily focus on the direct impact of the activities at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Every application made to the Licensing Authority will be considered on its own merits. This policy will be used as a basis for coming to consistent and transparent decisions on licence applications.

The scope of this policy covers all applications made under the Act. Designated sports grounds, events and exhibition centres are the subject of separate legislation. Consideration of applications for premises licences will be limited to those activities that are licensable under the Act.

## 5 The Licensing Objectives

In order to ensure the promotion of the four Licensing Objectives the Licensing Authority will require applicants to detail in their operating schedule:

- the steps proposed to promote the licensing objective of the prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises;
- the steps proposed to ensure the physical safety of people using the relevant premises or place

- how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met;
- the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

Further guidance on how the Licensing Objectives can be promoted in the operating schedule is included in Annex 1.

## 6 Licences

Premises Licences, Personal Licences, and Variations to existing licences (including Minor Variations) have specific processes and requirements that are to be followed during applications for them. To ensure that the processes and requirements are clear and open an explanation for each of these is outlined in Annex 2.

### ***Documents which demonstrate entitlement to work in the UK***

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. Guidance on how this can be demonstrated in specific circumstances is outlined in the linked document:

[Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/right-to-work-checks-an-employer-s-guide)

## 7 Operating schedules

Operating schedules for premises licences are the key to ensuring compliance with the four Licensing Objectives. The measures proposed in the operating schedule will normally be converted into conditions to be attached to the premises licence and should therefore fulfil the following criteria:

- (i) Be precise and enforceable
- (ii) Be unambiguous
- (iii) Not duplicate other statutory provisions
- (iv) Be clear in what they intend to achieve, and
- (v) Be appropriate, proportionate and justifiable

Prospective holders of new licences, and those seeking variations to existing licences, are advised to consult with the Licensing Authority and the various responsible authorities at the earliest possible stage in order to reduce the risk of any dispute arising.

The Licensing Authority will seek to impose conditions appropriate to promote the Licensing Objectives. For those premises which present the lowest risk to public safety and the other Licensing Objectives, the Licensing Authority will adopt a light touch approach to regulation.

Operators of licensed premises will have to comply with planning, environmental health, trading standards, fire safety, licensing and building control legislation when opening or adapting licensed premises. The Licensing Authority will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.

During the course of its inspections, the Licensing Authority may refer matters to any other agency where there appears to be a contravention of the legislation enforced by that agency.

### **Operating schedule considerations**

The Licensing Authority considers that it would be beneficial if operating schedules include all the following:

#### **General**

- a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with 6 screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- A description of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place. This should include the time the premises will be open, the time the last customer will be able to enter the premises, the time the last drink will be served and the time all customers will have left the premises. Detail should also be provided on how this will be managed/controlled;
- Any other times when the premises are to be open to the public;
- Where the licence is required only for a limited period, that period;
- Where appropriate, details of the accessibility of the premises for disabled people. The Licensing Authority will take the current version of the publication “Technical Standards for Places of Entertainment” into account when considering applications for new premises providing entertainment and existing premises where entertainment is provided and refurbishment works are carried out. These standards cover accessibility for disabled people, such as adequate access and means of escape, audible and visible means of communication, toilet facilities, etc;

#### **Licensable activities**

##### **Where the licensable activities include the supply of alcohol:**

- the name and address of an individual who must hold a valid personal licence to be specified as the designated premises supervisor and be responsible on a day-to-day basis for conducting business in the premises in a manner consistent with the terms and conditions of the licence, in accordance with the Act and in pursuit of the Licensing Objectives; except in some Community Premises which have successfully applied to remove the DPS, see [Section 182 guidance](#).
- whether the alcohol will be supplied for consumption on or off the premises or both;
- details of what seating arrangements will be provided and where;

- When completing operating schedules and in their management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the British Beer and Pub Association's document – Point of Sales Promotion Standards for the Management of Responsible Drinks Promotions including happy hours, which is also available via the [www.beerandpub.com](http://www.beerandpub.com) website. Refer to Annex 1.

**For sales of alcohol for consumption off the premises – applicants in respect of off licences and other premises selling alcohol for consumption off the premises may need to consider whether:**

- there are shutters to prevent alcohol from being selected in non-licensed periods.
- there are appropriate numbers of staff on duty to deal with possible 'intimidation' to sell alcohol.
- there are restrictions required on the sale of low price, high strength alcohol and drink promotions.
- an incident log book is available to record incidents.
- there are measures in place necessary to prevent underage sales. (See Annex 1)
- there are measures in place necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
- there are procedures in place to prevent sales of alcohol to intoxicated persons (with particular attention to street drinkers) or individuals leaving premises in the vicinity such as a late night bar; where there is evidence to suggest this is a problem the Licensing Authority may require a temporary cessation of alcohol sales during high risk times.

**Where the licensable activities include dance:**

- a description of the type of dancing in broad terms, such as if dancing will be done by professionals or if it will be for members of the public, where it will take place on the premises, if the dancing involves striptease or lap dancing.

## 8 Licensing Committee

The Licensing Committee is a committee which is established under the Licensing Act 2003. The rules regarding membership, composition and conduct are dictated by the Licensing Act 2003. The Licensing Committee, and subsequently the Licensing Sub Committee, does not need to be politically balanced, however, the Licensing Authority will endeavour to do so.

Section 6 of the Licensing Act 2003 specifically states that the Licensing Authority must establish a committee consisting of between 10 and 15 councillors. Section 9 states that the sub-committees should consist of three councillors. The Licensing Authority will endeavour to ensure that three should be the norm even if a quorum is 2.

This Authority's Licensing Committee will consist of up to fifteen councillors that may sit annually to discuss policy, review delegated decisions, changes in legislation and administrative matters. Accordingly, those Members who sit on the licensing sub-committee will receive training in all areas of licensing under the Act dealing with practice and procedure. This is so that they are equipped with the necessary skills so as to discharge their duties fully during the decision-making process when considering such applications, having regard to those principles set out in the Members Code of Conduct (as more particularly detailed under Part 5 of the Constitution).

A sub-committee of three councillors must determine applications where representations have been received from other persons and/or Responsible Authorities. If a councillor finds that he or she is unable to sit at the sub-committee meeting after the agenda has been published, best endeavours will be made to find a substitute.

Where a councillor who is a member of a Licensing Committee or a subcommittee has had prior, direct involvement in an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the premises licence in question.

Where the applicant would like the Licensing Sub-Committee to carry out a site visit, this should be arranged prior to the licensing hearing and should be requested at the earliest opportunity.

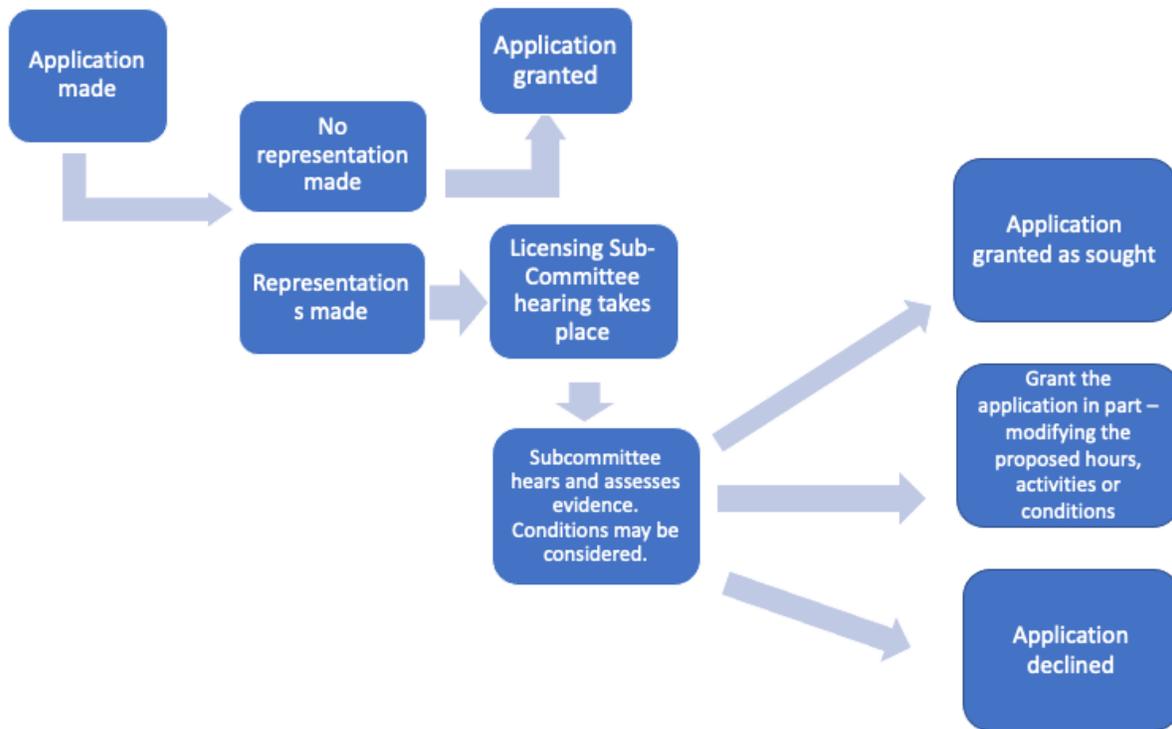
Each decision of the Licensing Committee or its sub-committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the council's website as soon as reasonably practicable after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Licensing Authority under section 8 of the Act. Written decisions will be sent to applicant and anyone who has made a valid representation.

The Licensing Authority's authorised officers will deal with applications for premises licences, club premises certificates, interim authorities, provisional statements, transfers, designated premises supervisors and personal licences, where either no representations have been received, or where representations have been received and the parties agree that a hearing is not necessary.

The Licensing Authority's authorised officers will make decisions upon whether representations are frivolous or vexatious. Where representations are rejected, the person making that representation will be given written reasons for the decision.

The steps for consideration of a licensing application, a licensing variation and a club premises certificate are:

- a)** If no representations are made to an application, the Licensing Authority must grant it in full.
- b)** When an application is made, and relevant representations are made to the Licensing Authority it must hold a hearing of the licensing sub-committee (unless those who have made representations agree this is unnecessary).
- c)** The sub-committee will then consider the evidence provided by applicants and those making representations, the Guidance, this Statement of Licensing Policy and any other relevant data.
- d)** The sub-committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives.
- e)** Conditions on the licence, additional to those voluntarily sought by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or continue in operation.



*Image 1: Flowchart of licensing process*

The licensing sub-committee will also consider applications for Temporary Event Notices where the police and/or the Environmental Protection Service have submitted an objection where they believe the event is likely to undermine the licensing objective.

## **9 Responsibilities under the Immigration Act 2016 and the Modern Slavery Act 2015**

The Authority has responsibilities that relate to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. The London Borough of Hammersmith & Fulham has a duty under the Modern Slavery Act 2015 to co-operate with the Independent Anti-Slavery Commissioner, and the Authority is also under this duty as part of the London Borough of Hammersmith & Fulham see [Tackling modern slavery | LBHF](#) for more information.

# 10 POLICIES

This policy section includes specific policy information, all in one place. Each policy topic provides further detail and guidance about the Licensing Authority's expectations and aspirations. Applicants should note any relevant Licensing Policy areas that may apply to their business and apply the following general principles, which will be taken into consideration for all licensing applications.

## General Principles for policies

The following policy areas have two general principles:

All licensing applications are expected to show:

- a) That applicants have a clear understanding of the locality in which they are operating or intending to operate and that this has been considered in the application, along with any voluntary conditions proposed within the operating schedule.
- b) That applicants have considered the four Licensing Objectives and our broader aspirations, in relation to and the diverse needs of Hammersmith & Fulham residents, businesses and visitors; and our newly regenerated parts of the borough, which are ideal for new business ventures.

## POLICY 1: LOCAL AREA RISK ASSESSMENTS

***Applicants are expected to undertake a local area risk assessment as part of any licensing application.***

The Secretary of State's Guidance states that applicants are expected to obtain sufficient information to enable them to demonstrate, the steps they propose to take to promote the licensing objectives; and that they understand the layout of the local area and physical environment including:

- a) crime and disorder hotspots;
- b) proximity to residential premises;
- c) proximity to areas where children may congregate;
- d) any risk posed to the local area by the applicants' proposed licensable activities; and
- e) participation in any local initiatives (for example, local crime reduction initiatives or voluntary schemes, such as 'Ask for Angela', local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Applicants are expected to include positive proposals in their application on how they will manage any potential risks.

The Guidance goes on to state that 'Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.'

The Licensing Authority notes the contents of these paragraphs from the Secretary of State's Guidance and, in particular, the use of the word 'expected'. Licence applications that do not in any way address the contents of these paragraphs in their operating schedules may be returned to the applicant as 'incomplete'.

## POLICY 2: LICENCE CONDITIONS

***Applicants are expected to consider Mandatory conditions and appropriate conditions from the pool of national and local conditions; and where appropriate, include football conditions.***

Schedule 4 of the Policing and Crime Act 2009 amended the Act to give the Secretary of State the power to impose mandatory licensing conditions in relation to the supply of alcohol under the authority of a premises licence or club premises certificate.

These mandatory licensing conditions apply to all premises licences which authorise the sale or supply of alcohol.

### ***Mandatory Conditions***

Mandatory conditions must be attached to all Premises Licences and Club Premises Certificates authorising the sale and supply of alcohol, see Annex 3 for details. These conditions, amongst other things, in effect:

- Ban irresponsible drink promotions;
- Ban the dispensing of alcohol directly into the mouth;
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly;
- Require an age verification policy to be in place to prevent underage sales;
- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine; and
- Minimum price of alcohol (duty plus VAT)

### ***Local Pool of Conditions***

When preparing an operating schedule, the applicant should think about the operation of their premises and choose appropriate and proportionate conditions. These conditions could be one off specific conditions, or they could be drawn from the Local Pool of Conditions on the LBHF website. Where an appropriate condition is not present applicants may wish to consult the National Pool of Conditions, issued by the Home Office. All conditions must relate to one or more of the four licensing objectives. Further information regarding these conditions can be found at:

<https://www.lbhf.gov.uk/business/licensing/guidance-applicants-and-businesses/premises-licences/local-pool-licence-conditions>

<https://www.gov.uk/government/publications/pools-of-conditions-supporting-guidance>

This does not preclude the Licensing Authority from attaching other conditions appropriate for the promotion of the four licensing objectives.

Any conditions added to the operating schedule will appear on a final licence and will be enforceable.

The Licensing Authority has carried out a full review of its own pool of conditions and these are available on the licensing pages of our website. Applicants should consider the National Pool and local pool of

conditions and incorporate them into their operating schedules, as they consider appropriate, to promote each of the Licensing Objectives.

### ***Football Conditions***

The Licensing Authority acknowledges that it is unique in the fact that it has 3 major football clubs within its boundaries. Given the size of our borough and the raised level of risk of crime and disorder occurring on match days, any premises in the vicinity of our football grounds will be expected to robustly deal with this issue in their operating schedule.

Where a relevant representation is made by the Police, another Responsible Authority, or 'other person' in respect of an application made by a licence holder, the Licensing Authority may apply enhanced "match day" conditions to ensure the Licensing Objectives are promoted. This may include, but is not limited to, the following conditions:

- Restriction of hours in the run up to and after 'Kick Off'
- Restriction of sales of alcohol in glass bottles or the use of glass for any drinks on match days
- Conditions for premises to robustly control the spillage of customers onto the highway through overcrowding
- Conditions to prevent customers from drinking or taking alcohol out onto the street outside the premises on match days
- The ability for the Police or Licensing Authority to require the premises to close on grounds of Public Safety if required to do so
- Having door supervisors on duty
- Having a Designated Premises Supervisor (DPS) / Personal Licence Holder on the premises
- Using display cabinets with shutters for alcohol

Similar conditions may also be applied on 'victory day' or similar large crowd parades.

The Licensing Authority acknowledges that off licences can also play a major part in the overall impact on the crime and disorder objective and as such would seek to ensure these conditions are also mirrored as required on off licences identified by the Police and Licensing Authority as having a potential impact. The Police and Licensing Authority are especially keen to control the sale of alcohol in glass bottles on match days and as such may require that no bottles are sold on match days.

It has also been the experience of the Licensing Authority that at times it may be required to completely close 'off' and 'on' licensed premises depending on the information received by the Football Intelligence Unit. In order to ensure this can be effectively controlled the Licensing Authority and the Football Intelligence Unit will liaise with relevant premises operators at the earliest opportunity in order to discuss closure. Informal cooperation will always be preferred. However, review proceedings will necessarily follow when a Magistrates' Court has made a closure order under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under section 84 of that Act.

### POLICY 3: LICENSING HOURS

***The Licensing Authority may consider specific restrictions on hours of sale and operation in certain circumstances.***

Where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:

- a)** Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- b)** Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- c)** Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- d)** Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder, anti-social behaviour (ASB), nuisance and vehicle emissions;
- e)** Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an 'hours' restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol.

In determining representations to an application which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on hours in that area is the only appropriate means to achieve the promotion of the Licensing Objectives.

It will be the normal policy of the Licensing Authority to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons based on the Licensing Objectives for restricting those hours. Should there be evidence regarding street drinking issues, child protection issues, cumulative impact, anti-social behaviour (ASB), issues in relation to public nuisance and disorder in the vicinity of this type of premises, the Licensing Authority may restrict the hours of the sale of alcohol.

To act as a guide for new or existing operators we have set out the suggested closing times for licensed premises below:

Type of premises	Town centres	Mixed use areas	Residential areas
Restaurants and cafes	Fri – Sat 01:30 Mon - Thurs 01:00 Sun – 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun – 23:00	Fri – Sat 23:00 Sun – 22:00
Public houses, bars, or other drinking establishments	Fri – Sat 02:30 Mon - Thurs 01:00 Sun – 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun – 23:00	Fri – Sat 23:00 Sun – 22:00
Night clubs	Fri – Sat 03:30 Mon - Thurs 01:00 Sun 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun - 23:00	<b>Not considered appropriate</b>
Off-licences and alcohol sales in supermarkets	23:00 daily	23:00 daily	22:00 daily
Late night refreshment premises (Take-aways)	Fri – Sat 01:00 Sun – 00:00	Fri – Sat 00:30 Sun – 23:30	<b>Not considered appropriate</b>
Cinemas and theatres	02:00 daily	00:00 daily	23:00 daily
Members clubs	01:00 daily	00:00 daily	23:00 daily

#### POLICY 4: CUMULATIVE IMPACT

***The Licensing Authority will have regard to cumulative impact generally and may make specific reference to any special area cumulative impact policies in place during the duration of this policy.***

We are keen to welcome and support new businesses in the borough. We will balance this with our responsibility to identify where an area is receiving a lot of complaints about existing licensing activity. We will consider if, by granting a licence, it would contribute to the negative impact in the area.

Any Responsible Authority or other persons may object to applications for new premises licences/ certificates or variations of existing licences, on the grounds that the premises will have a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives. See [Section 182 guidance](#), which contains further information on cumulative impact.

In determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative effect of the number, type and density of licensed premises already existing in the area.

In coming to any decision regarding cumulative impact the Licensing Authority will consider other mechanisms outside of the licensing regime which may also be available to address this issue, these include but are not limited to:

- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
- Police and other enforcement of the normal law concerning disorder and anti-social behaviour.
- Prosecution or other enforcement of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- Prosecution or other enforcement of any personal licence holder or member of staff at such premises who is selling to underage persons or selling illegal alcohol or tobacco
- Police powers to close down instantly any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises, for up to 24 hours.
- The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.
- Police and Local Authority power to issue a Closure Notice for up to 48 hours where serious anti-social behaviour is taking place at licensed premises under the Anti-social Behaviour, Crime and Policing Act 2014.

### **Area Specific Cumulative Impact Policies**

*To ensure that residents are protected from the negative impact of late-night local licensing activities the Licensing Authority may decide to adopt an Area Specific Cumulative Impact Policy in relation to a specific area; where the number, type and density of premises providing licensable activities is having a serious negative impact on the local community and local amenities.*

The Licensing Authority will ensure that it has evidence to support and to justify a particular area having a special area cumulative impact policy in place. *This evidence would typically include data from the police, ambulance service, noise complaints, antisocial behaviour reports, etc.*

*Any Area Specific Cumulative Impact Policies will be reviewed regularly to assess whether it is still needed or should be expanded or amended.*

*The aim of any Area Specific Cumulative Impact Policy is to ensure that alcohol related crime, anti-social behaviour and noise complaints is reduced.*

Special area cumulative impact policies are not absolute, and each application will be considered on its own merits.

Details of the **Area Specific Cumulative Impact Policies, to be adopted as part of this Statement of Licensing policy**, including a map showing the specific areas, can be found at Annex 4.

### **POLICY 5: ALIGNMENT WITH OTHER POLICIES AND STRATEGIES**

***Where appropriate, the Licensing Authority will consider to what extent applications are aligned and show support for other council policies and strategies that support the four licensing objectives and key themes and principles in this Statement of Licensing Policy.***

The council recognises that as part of implementing cultural strategies, account needs to be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing, street arts and theatre for the wider cultural benefit of the community.

The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only appropriate, proportionate and reasonable licensing conditions will be imposed on such events.

Arrangements will be made for the licensing committee and other key stakeholders to receive, when appropriate, reports on the status and identified needs for a safe and accessible night time economy.

The Licensing Authority will liaise with other council colleagues to keep apprised of the employment situation in the area and the need for new investment and employment where appropriate.

The Licensing Authority will liaise with Transport for London (TfL) and council officers responsible for Highways and the Public Realm, about local transport issues (late night bus and tube services) with regard to the need to disperse people from town centres late at night in order to avoid concentrations of people causing noise nuisance and possible crime and/or disorder.

In accordance with its functions as a Licensing Authority, section 149 of the Equalities Act 2010 obliges public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The council has an Equal Opportunities Policy and this revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of equal opportunities.

In recognition of Hammersmith & Fulham's diverse community and to support the principles in our Enforcement Policy of transparency, consistency, proportionality, targeting and helpfulness, we want to:

- a) commit to working with diverse businesses to ensure equality for all. Along with the Health and Safety Executive (HSE) and others we need to be an organisation which "understands the diverse society in which it operates, which is clear about the impact of its policies and operations on that diverse society, and which conducts its business with sensitivity and respect for people's different needs, vulnerabilities and perspectives on life";
- b) ensure that we minimise the impact of our enforcement actions on diverse businesses, which could unintentionally lead to race and other inequalities;
- c) improve any perceived negative perception that diverse businesses may have of local government regulators;
- d) raise awareness about how our services can support businesses, individuals and families in diverse communities with easy access to advice and protection, to minimise any inadvertent race or other inequalities;
- e) increase the reporting of non-compliant business operations within diverse communities; so that reputable businesses can thrive and grow and to improve the safety, health and wellbeing of our residents.

We will achieve this goal by:

- improving the equalities monitoring of our enforcement actions and outcomes to enable us to have improved data to use with equality impact assessment tools;

- using our monitoring and other data to make improvements to the way in which we communicate, help, engage with and support diverse businesses;
- making better use of business intelligence and other monitoring data to improve our targeted communications when reaching out to a diverse range of people and organisations to understand and address any potential barriers to communication.
- responding positively to requests for information in alternative formats or by specific officers, where capacity and availability of resources, will allow;
- making better use of available training, information and research to provide information about race and other diversity issues, so that we can engage in a more helpful way;
- providing unconscious bias and other equalities training for all our officers; and
- improving the diversity of advisory/consultee bodies and stakeholder networking.

The council will ensure its various strategies and policies are joined up to achieve the Licensing Objectives in the interests of clarity for applicants and effective determination. This will include considering the following:

- Enforcement Policy;
- Community Safety Partnership strategic assessment;
- National Alcohol strategy
- Equal Opportunities policy;
- Cultural and Industrial strategies including promotion of live music and community events;
- Objectives of the Private Security Industry Authority;
- The Government's Code of Practice on Test Purchasing:

<https://www.gov.uk/government/publications/code-of-practice-age-restricted-products>

## **POLICY 6: CONSULTATION**

***In exceptional circumstances the Licensing Authority may consider it appropriate to carry out a more extensive form of public consultation.***

Applicants will be expected to advertise the application in accordance with the Regulations made under the Licensing Act 2003 and Licensing Authority will carry out a consultation process in accordance with the Regulations made under the Licensing Act 2003. The Licensing Authority will publicise details of applications received.

In order to give residents a fair chance to learn about new applications we have set up an email alert system on the Council website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. The link to set up an account with this system is below:

[Email notifications for planning and licensing | LBHF](#)

Where there has been a history of a particular premises or area producing disorder, threatening public safety, generating public nuisance or threatening the well-being of our children, the licensing Authority may carry out targeted consultation in the local area.

## POLICY 7: TEMPORARY EVENT NOTICES (TENS) AND OTHER EVENTS

***Although ten clear working days is the minimum possible notice that must be legally given for a standard TEN and five clear working days for a late TEN, the Licensing Authority recommends that TENs are submitted with 28 days' notice and to proactively engage with relevant Council services as best practice, at the earliest opportunity.***

The Licensing Act 2003 provides for certain occasions when small scale events (no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing a minimum of 10 working days' notice is given to the police and the Licensing Authority. The annual allowance covered by a Temporary Event Notice in relation to a single premises is 21 days. The Police and Environmental Health can object to Temporary Event Notices if the event is likely to undermine the licensing objectives. Where Police or Environmental Health submit an objection to the Notice the Licensing Authority will hold a hearing to consider the objection and conditions may be applied to the Temporary Event Notice.

It is recommended in general that the Licensing Authority and police be given at least 28 calendar days' notice of any event to allow them to help organisers plan their events safely.

The Licensing Act 2003 allows event organisers to submit up to 50 notices per year if they hold a personal licence and 5 notices if they do not hold a personal licence.

Organisers of temporary events are strongly advised to contact the Licensing Authority, Environmental Health and the Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed. Where road closures or use of pavements may be proposed in the TEN it is advised that applicants consult the Transport and Highways team at LBHF.

[LondonPermitScheme@lbhf.gov.uk](mailto:LondonPermitScheme@lbhf.gov.uk)

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Police and Environmental Health between 5 and 9 days before the event. It should be noted that if either the Police or the Council's Environmental Health Officers submit an objection to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN. Applications may be made online from the licensing pages of the LBHF website.

## POLICY 8: LARGE OUTDOOR EVENTS

***Applicants planning large outdoor events need to particularly consider measures to ensure the prevention of public nuisance and promotion of public safety as part of planning. Applicants are also strongly encouraged to engage with the appropriate Council services outlined in this section.***

Public safety and the prevention of public nuisance at large outdoor events is of paramount importance to the Licensing Authority. Applications for large events that are normally temporary in nature may not be suitable for licensing under the TENs process. Events will be licensed under a time

limited Premises Licence lasting for the duration of the event. Applicants are encouraged to make applications for a new Premises Licence and should therefore ensure that they apply in good time. Applicants are recommended to speak to the relevant Responsible Authorities, and in particular, the Police at the first step of planning large events. This could be as much as 18 months or two years prior to the event taking place, dependent on the type and size of event proposed. Applicants are also recommended to contact the Council's Events Team on 020 8753 2135 or by email at: [events@lbhf.gov.uk](mailto:events@lbhf.gov.uk). The Council's locally produced 'Events Guide' can be found on the LBHF website.

Applicants for such events must consider "The Event Safety Guide", published by the Health and Safety Executive, on all aspects of arranging and staging events.

Applications for large temporary events may be scrutinised by a Safety Advisory Group (SAG) as well as the licensing committee. The SAG will consist of officers from Responsible Authorities such as the Police, Licensing Officers, Environmental Health, Fire Authority, and may include officers from other relevant departments and agencies such as the London Ambulance Service, Transport for London (TFL) and Highways.

The Safety Advisory Group allows officers to question applicants about the operation of their event to ensure it will be a "safe" event and will minimise disruption to traffic management and nuisance.

The SAG will not determine licence applications. It may recommend conditions. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory Event Management Plan for their event and to comply with any recommendations made by the SAG.

The Licensing Authority recommends that for significant events and the use of promoters as defined in the glossary, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed.

Accordingly, for premises that wish to stage promotions or events the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

Generally, applicants are advised to offer only the following conditions in their Operating Schedule.

- The Licensee shall comply with the Event Management Plan submitted to and approved by the Licensing Authority.
- The Event shall be run in accordance with the site plan submitted to, and approved by, the Licensing Authority. No changes shall be made to the site plan without the prior written consent of the Licensing Authority.

This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a Premises Licence or an application to vary the Premises Licence already granted. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.

The council may itself seek premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. We will consider any request

for permission to use such public spaces for cultural activities having regard to the promotion of the four licensing objectives.

## **POLICY 9: ENFORCEMENT**

***The Licensing Authority operates a reactive and proactive inspection regime that is based on risk and specific incidents. Our Enforcement Policy explains how officers will take a graduated response to premises breaking the law, as we apply the principles of: Engage, Explain, Encourage, Enforce***

A copy of our Enforcement Policy can be found on the following page:

<https://www.lbhf.gov.uk/business/licensing/licensing-policy>

Premises that produce disorder, threaten public safety, generate public nuisance or threaten the well being of our children will be targeted for enforcement action.

The Licensing Authority will take enforcement action in accordance with our Enforcement Policy and relevant statutory powers.

The Licensing Authority will use a range of sanctions such as letters of warning, simple cautions, Fixed Penalty Notices (FPNs), closure notices and legal proceedings.

The Licensing Authority will seek to work with the police and other responsible authorities in enforcing licensing legislation and will strive to have a joint enforcement protocol with all the relevant agencies. Where the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about licensed premises, to help target resources and activities and minimise duplication.

Enforcement will be focused on premises or persons found to be failing to promote the four Licensing Objectives. Additionally, Trading Standards officers may, at times and based on intelligence received, carry out underage test purchasing in areas where the intelligence has highlighted potential hotspots in the borough for underage sales of alcohol.

Licence holders should note that in the event of a failure to pay the annual licence fee this Authority will suspend the licence in accordance with section 55A Licensing Act 2003.

## **POLICY 10: DEALING WITH COMPLAINTS, REPRESENTATIONS AND REVIEWS**

***The Licensing Authority will follow the principles and approaches outlined in this section where complaints or representations are made and where reviews are initiated.***

The Act describes two “groups” that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and “Other Persons”.

“Other Persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, 27

any representation they make must be relevant to one or more of the licensing objectives, must not be anonymous and must not be considered to be frivolous or vexatious in nature. Additionally, any application to review a premises licence must not be repetitious.

This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance away from the premises subject to an application or review, the Licensing Authority may ask particular the specific Responsible Authorities to examine and comment on the content of the representation to ensure that it is valid and complies with the requirements of the Act.

The Licensing Authority may initially arrange a mediation meeting to address concerns where “Other Persons” have made:

- A valid representations about licensed premises; or
- A valid application for a licence to be reviewed

At any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

A licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. Guidance on grounds for a review are outlined in Annex 5.

At a hearing held to determine an application for a review of a licence the sub-committee may:

- a) Modify the conditions of the premises licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for up to three months;
- e) Revoke the licence.
- f) Take no further action

Other persons aggrieved by decisions of the Licensing Authority are entitled to lodge an appeal against the decision at the magistrates’ court.

In order to give residents an opportunity to learn about new applications we have set up an email alert system on the Council’s website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. Please note that representations cannot normally be made anonymously. To join the email alert system, please use the link to this webpage: [Email notifications for planning and licensing | LBHF](#)

Where the Licensing Authority considers that action under its statutory powers is necessary it may seek to issue a warning letter, a simple caution or prosecute for the offence.

Complaints about breaches of conditions e.g. trading after the hours stated on the licence, should be brought to the attention of the Licensing Team on 020 8753 1081 or by email at [licensing@lbhf.gov.uk](mailto:licensing@lbhf.gov.uk). Licensing Officers can also provide a copy of the licence with the full licence conditions. Our Public Access applications search facility allows you to view licensing applications and comment on current applications and to check the history on a property on this webpage

Complaints about other issues e.g. noise nuisance, underage sales, should be brought to the attention of the relevant responsible authority. See the next policy – Consideration of Our Residents.

## **POLICY 11: CONSIDERATION OF OUR RESIDENTS**

***The Licensing Authority expects that any licence applicant will give due consideration to the needs of Hammersmith & Fulham residents and any negative impacts from licensable activities and business operations. with reference to taking place in their premises and how these may impact in the direct locality and further afield.***

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by people once they are away from the licensed premises and, therefore, beyond the direct control of the licensee. However, licensing is a key aspect of such control and licensing law is part of a holistic approach to the management of the night time economy.

As a matter of policy the council expects every holder of a licence, certificate or permission, to accept and be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises by taking appropriate measures and action consistent with that responsibility.

Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area, to the extent that these matters are within their control.

Population densities in this borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objectives will be of paramount concern when evaluating Operating Schedules. Licensing Committees will place high regard on the control measures put in place by the applicant to ensure that our residents are protected from the potential detrimental effects of any licensed premises.

Residents are advised to report noise and nuisance on 020 8753 1081 during office hours and 020 8748 8588 at all other times that any noise nuisance is occurring.

Any review of a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Health to be successful. For this reason, it is vital to call our 'out of hours' team on 020 8748 8588 at the time nuisance is occurring.

If residents want to approach councillors to ask them to represent their views, they should be careful that the councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members' code of conduct in cases where they have a particular interest. Please contact the Licensing team if there are any doubts.

If residents are experiencing ongoing problems with particular licensed premises, please refer to Policy 10 – Dealing with Complaints, Representations and Reviews.

## POLICY 12: SUPPORT FOR LOCAL BUSINESSES

***The Licensing Authority is committed to supporting well-run licensed premises and will ensure that there are not unreasonably limited in running their businesses by the requirements of the licensing regime.***

We are committed to the Regulators Code and supporting businesses.

- i) We will work with businesses in our borough and provide the advice you need to help you comply with the law. This may be through meeting with you at your premises or at our offices, providing written advice in an email or letter or verbally over the telephone.
- ii) We will usually confirm any technical/ legal advice in writing. For applicants and agents, we also offer a pre-application advice service. Further details about this service can be found on our website.
- iii) We will attend pub watch meetings and work with local businesses, including the Hammersmith Business Improvement District (BID) and Fulham BID, to help facilitate the sharing of information and advice amongst licensees in our borough.
- iv) We are continuously working to improve our online application process for a range of licence permissions. If you want to know what services are available or you want to make an application online please check our website for further details.
- v) We want to ensure that businesses comply with the law. Where this has not been possible through advice and education we will carry out enforcement action in accordance with our enforcement policy and as part of our commitment to the Regulators Code.
- vi) We want local businesses in our borough to thrive and survive. We recognise that the law can be complex at times and that despite trying to resolve issues through discussion in the first instance, enforcement will be necessary on some occasions. We also recognise that attitudes, circumstances and personnel often change over time.

Where enforcement action has been taken against a business in the past, relevant Responsible Authorities will be mindful of this when considering any new applications. However, all new applications e.g. variations to hours or licensable activities will be decided on their merits and the information provided to demonstrate promotion of the four licensing objectives. Where a premises licence or club premises certificate has previously been reviewed or the business has been prosecuted for licensing offences, licensees are advised to discuss any new/proposed changes with the Licensing Authority and/or the relevant Responsible Authority e.g. The Police, to resolve any ongoing concerns and/or issues.

**In an effort to try and further support new business starting out in the borough we are also able to offer free pre application advice for up to 1 hour. The advice will help applicants make a valid application and avoid expensive fees from a solicitor or a licensing consultant. This advice is available to any new independently run business starting out in the borough.**

Businesses can visit the following webpage <https://www.lbhf.gov.uk/business/business-support-and-advice> to sign up for up-to-date news, business support, trading guidance and opportunities, business grants, business development, free business advice clinics, business networking and more.

## **POLICY 13: ALIGNMENT WITH PLANNING**

***Despite Licensing and Planning being under different legislation, the Licensing Authority will ensure that the licensing regime is in line with the planning regime in Hammersmith & Fulham as far as is possible.***

The local planning authority has powers to control opening times of all new establishments seeking planning permission, where harm might occur. A link to the Planning web page to make a planning application, to find out about planning rules and policy and our regeneration projects, is below:

<https://www.lbhf.gov.uk/planning>

Licensing applications will not be a re-run of the planning application. If the licensing committee grants any variation of a licence which involves a material alteration to a building, the applicant still needs to apply for planning permission, or building regulation control, where appropriate.

Where an applicant is granted a premises licence with operating hours that are different to the hours permitted by the premises planning permission, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

The Licensing Authority may refuse to grant a licence if a representation from the Planning Department has been received AND ONE or more of the licensing objectives would not be promoted.

## **POLICY 14: DELIVERY SERVICES**

***The Licensing Authority expects licence applications for delivery services, which include late night refreshment after 11pm or the delivery of alcohol, to consider how to reduce public nuisance related to delivery vehicles, ensure the security of premises and delivery drivers and to protect children.***

Since the last Statement of Licensing Policy there have been an increasing number of applications for licences relating to delivery services, these tend to fall into three groups:

- Premium specialist product mail-order type services;
- Food delivery services (both meal and grocery) that include alcohol delivery but are primarily food lead; and,
- Convenience type alcohol delivery services that are targeted at convenience for those drinking at home.

Although these types of services are not provided for in the Licensing Act 2003 or in the s182 guidance in any way differently from other licensed premises they do provide their own unique circumstances that need to be addressed. In particular the Licensing Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point;
- The safety of delivery drivers at the point of delivery;
- Safety of the premises from which orders are taken and sent out for deliver; and,
- Possible public nuisance and anti-social behaviour (ASB) caused by delivery drivers collecting deliveries from the licensed premises.

The Licensing Authority is likely to place the following conditions on to a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- A standard age verification check shall be undertaken on entering the website.
- A signature at the point of delivery **must** be obtained. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and **not** to a public place.
- Every third-party courier delivery box shall be labelled with the words “Age Restricted Product”.
- Any delivery driver or third-party courier will be required to have appropriate age verification training, particularly they will be required to have training in refusal of supply where age verification is not provided.
- A refusals log will be maintained for deliveries.
- Appropriate security will be in place at the premises as agreed with Police.
- Measures for minimising noise and disturbance and anti-social behaviour (ASB) caused by the dispatch of deliveries to be identified in the operating schedule. In particular applicants are expected to consider the use of electric vehicles to minimise air pollution and noise. The Licensing Authority expects that applicants will make arrangements for all deliveries after 8 pm to be made using electric vehicles.
- A requirement for a specific delivery collection area to be made clear to any third party delivery service. This area may not be directly outside the licensed premises to take account of any residential accommodation close by.

#### **POLICY 15: DRINK SPIKING ISSUES**

***The Licensing Authority expects licence applications to outline measures in their operating schedules to prevent, identify and address drink spiking. Any establishment where drink spiking is reported will be supported to address future cases, and where there are several cases occurring a review may be initiated.***

Licensees and licence applicants are encouraged to establish a clear approach to preventing, identifying and addressing drink spiking in their operating schedules. This should include, but is not limited to:

- Training for door and bar staff to identify where drink spiking may be taking place, how to respond to any reported or observed instances of drink spiking, and how to report to Police.
- Offering drink spiking preventative measures, such as drink covers, serving drinks direct to customers (not leaving these unattended before being provided to customers), and keeping an eye on or clearing drinks left unattended.
- Providing customers with information on keeping safe from drink spiking.
- Operating schemes such as ‘Ask for Angela’ to encourage customers to seek help if they suspect drink spiking has occurred.
- Requiring the production of a drink spiking risk assessment and procedure for dealing with any such incidents.
- Displaying posters in visible locations at the premises to explain what to do in the event of a spiking incident.

## POLICY 16: THE SAFETY OF WOMEN AND GIRLS IN LICENSED SETTINGS

*The Licensing Authority expects licence applications to specifically include measures to ensure the safety of women and girls in licensed premises.*

The Licensing Authority will use its powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. This may include:

- a) Using the Licensing Authority's powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;
- b) Considering the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in licensed premises.
- c) Requiring the presence of suitably trained and accredited door staff, CCTV, or to introduce entry searches for example.

Licence applicants and existing licence holders are encouraged to include in their operating schedules clear policies relating to potential abuse or violence against women and girls.

This would include, but is not limited to the 'Ask for Angela' programme, [Welfare and Vulnerability Engagement' training package \(WAVE\)](#) for staff to identify and assist women and girls being at risk or being subjected to violence, and the implementation of clear policies in the premises on preventing and addressing violence against women and girls. The Licensing Authority would also encourage off licensed premises to take part in the Ask for Angela scheme in an effort to increase the visible promotion of the scheme in all licensed premises across the borough.

Implementing these measures, particularly for on-licence premises, providing training for staff to increase awareness and provide skills and tools for identifying and assisting when it is at risk of happening or is happening, and having clear policies against violence against women and girls provide a solid basis for addressing the issue when it occurs in licensed premises. Furthermore, having policies on staff reporting incidents to Police and Council officers will help to ensure that these incidents are addressed.

We expect that all staff working at music festivals, including vendors, be given compulsory safeguarding training, as the Licensing Authority will consider this when approving events. This training might be similar to training provided in voluntary schemes in other licensed premises, such as Ask Angela or the licensing security and vulnerability initiative (Licensing SAVI). This training should be documented in any event management plan which is in place at the premises.

The licensing authority also expects a more formal and higher standard for outdoor music festivals owing to the comparatively younger age of festival-goers and the additional vulnerability that may arise.

As part of the Government's Violence Against Women and Girls Strategy, venues may also wish to consider boosting their security measures e.g. the recruitment and training of additional door security staff, particularly female staff.

The Council are proud supporters of the Women's Night Safety Charter and we would like to encourage all our licensed premises to consider how you and your business can contribute to making your workplace and H&F a borough where all women feel confident and welcome whenever and wherever they happen to be. The Women's Night Safety Charter is a voluntary pledge to show you take women's safety seriously. By signing the Charter, you show your acknowledgement of the issue and that you're ready to get proactive in improving women's safety.

## ANNEXES

### ANNEX 1: GUIDANCE ON PROMOTING LICENSING OBJECTIVES IN OPERATING SCHEDULE

The Licensing Authority will robustly examine any application and its operating schedule to ensure premises do not impact negatively in the community measuring against the four Licensing Objectives. The Licensing Authority will consider the steps which the applicant proposes to take to promote the Objectives. The Licensing Authority will use further conditions where they are not satisfied an operating schedule is sufficient to control these potential issues. The following provides a non-exhaustive list of measures/issues that the Licensing Authority considers may be relevant to licence applications:

#### The prevention of crime and disorder

In order to ensure the promotion of the four Licensing Objectives the Licensing Authority will require applicants to detail in their operating schedule the steps proposed to promote the licensing objective of the prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises;

Licence applicants will be expected to demonstrate the following in their operating schedules:

- Measures to control excessive consumption and intoxication.
- Consideration of any additional measures or restrictions that may be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'.
- Operators of off-licences in areas problems relating to street drinking and under age drinking are prevalent, measures should be outlined to strictly monitor the way alcohol is sold, specifically where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.
- It is important to ensure that staff working at off licences are suitably trained and receive appropriate refresher training in their responsibilities under the Act and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:
  - The likelihood of any violence, public order or policing problem if the licence is granted;
  - The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control.
  - Past conduct and prior history of complaints against the premises;
  - Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
  - Any relevant representations.
- Measures to demonstrate compliance Home Office guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.

- Robust measures in place to avoid the presence of weapons on their premises and should agree a protocol with the Licensing Authority and the police on the handling of weapons found on their premises.
- Conditions will, so far as possible, reflect local crime prevention strategies, and the Licensing Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.

The Police and the Licensing Authority will need to work closely together in order to ensure that this important objective of the Act is fulfilled by any applicants/operators. As a result, the Licensing Authority and the Police have signed a Memorandum of Understanding. This document provides an outline of how the Licensing Authority will liaise, communicate and work to ensure full and proper consultation and effective joint working with this key responsible authority.

It is recommended that applicants discuss the crime prevention procedures in their premises with the Licensing Authority and the Police before making a formal application. Licences for any form of regulated entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

To assist potential licence applicants the Council now offers a pre-application advice service. Details of this service can be found on the licensing pages of the LBHF website.

The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants may want to consider when preparing their Operating Schedule:

- Crime and disorder in the vicinity of the premises: this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
- **alternative to glass bottles and glasses** - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
- **CCTV** - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
- **dispersal procedures** - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- **dealing with and reporting crime and disorder** - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- **door staff** - considering whether the premises employs a sufficient number of SIA registered door staff, whether Door Premises Supervisors check the legitimacy of the badges and whether SIA staff display their badges prominently. (Note: All door supervisors must be Security Industry Authority (SIA) registered).
- **drugs and weapons** - ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
- **excessive drinking** - training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
- **local schemes** – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net Radio scheme.
- **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.
- **Event type** - in some cases the type of regulated entertainment proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed and, in some cases, to provide such risk assessment to the Police Licensing Team at Fulham Police

([AWMailbox.Licensing@met.police.uk](mailto:AWMailbox.Licensing@met.police.uk)) and/or the Central Licensing Team of the Metropolitan Police ([TP-C&S-LicensingTeam@met.police.uk](mailto:TP-C&S-LicensingTeam@met.police.uk)) before the event is agreed. Where a large outdoor event is planned this Authority and the Police recommend that the organisers consult with 'relevant parties' as early in the planning stages as possible. 'Relevant parties' would include local residents, local businesses, schools, charitable organisations, responsible authorities and relevant local authority departments. Consideration of timing of events should be given in relation to football matches and other large pre-planned annual events within the locality and surrounding boroughs.

Applicants are advised to consider the following two paragraphs from the March 2015 edition of the Secretary of State's Guidance to Licensing Authorities:

*'11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs; • for the organisation of racist activity or the promotion of racist attacks;*
- *for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;*
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol.*

*11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.'*

In relation to smuggled alcohol and tobacco the Trading Standards Team have proposed some conditions, that will be added to the Council's 'Pool of Conditions', that may be added to licences where the quantity of illegal alcohol and/or tobacco is small and the risk of re-offending is low.

### **Public safety**

The Licensing Authority will require the applicant to demonstrate the steps proposed to ensure the physical safety of people using the relevant premises or place. This does not cover the separate need for applicants to provide relevant public safety requirements dealt with by Environmental Health. This is expected to include:

- Maximum occupancy limits will be specified on the licence only where necessary for the promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk assessment, the Licensing Authority will not normally include that limit as a licence condition.
- Safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and may make representations to that effect. The types of premises that may be subject to safe capacities will be the following;
  - Nightclubs

- Cinemas
  - Theatres
  - Other premises where regulated entertainment is being provided within the meaning of the Act, e.g. open public spaces
- The Licensing Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with, but not limited to. the following:
    - Checks on equipment at specified intervals, e.g. gas safety checks;
    - Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
    - The number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;
    - The steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;
    - The use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises;
    - The provision of air conditioning and ventilation;
    - Measures to protect against overcrowding; and
    - Consideration of the needs of disabled people and appropriate provisions.

The following provides a non-exhaustive list of risks associated with the public safety objective that applicants may want to consider when preparing their Operating Schedule:

- **special effects** - whether music and dance venues and performance venues will use equipment or special effects, e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines, etc.
- **incident and occurrence book** – keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- **risks associated with special promotions/events** – ensuring compliance with guidance from the Metropolitan Police relating to specific event risk assessments for externally promoted live music events well in advance of the event. Risk assessment forms can be obtained from the Metropolitan Police Licensing Officer.
- **getting home safely** - providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including night buses, licensed taxis and private hire (mini-cabs).
- **overcrowding** - developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming aggressive.
- **premises environment** - applicants should consider the physical environment of the premises and have regard to issues that could increase the likelihood of patrons becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity, which may result in patrons becoming aggressive or rowdy.

### The prevention of public nuisance

The Licensing Authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met. This is expected to include:

- In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance and anti-social behaviour and any [Public Spaces Protection Orders](#) (PSPOs) in place.
- The Licensing Authority will particularly consider the following matters where they are material to the individual application:
  - The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff

should be trained on any policy, and all reasonable steps should be taken to ensure it is fully implemented and adhered to at all times.

- The proximity of residential accommodation;
- The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.
- Limiting the number of people permitted to use a garden or other open-air areas, including those for the use of smoking, at any one time.
- Restricting the use of a garden or other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- The siting of external lighting, including security lighting that is installed inappropriately;
- The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- The generation of odour, e.g. from the preparation of food;
- Any other relevant activity likely to give rise to nuisance;
- Any representations made by the Police, or other relevant agency or representative;

The following provides a non-exhaustive list of risks associated with the public nuisance objective that applicants may want to consider when preparing their Operating Schedule:

- **Deliveries/collections** – noise from deliveries to and/or collections (e.g. refuse) from the premises are another common source of complaint. Consider the times of such deliveries/collections and make sure you specify to any contractors that deliveries/collections should not be made at anti-social times. As a guide, the Noise and Nuisance Service recommend that deliveries/collections should only be made between the hours of 7:30am and 9:00pm, depending on the proximity of residential and/or other noise-sensitive properties.
- **Drink promotions** – adopting policies to discourage excessive drinking such as happy hours, buy one get one free, etc.
- **Late night refreshment** - applicants in respect of late night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.
- **Light pollution** – this is an increasingly common source of complaint, particularly from illuminated signs and external security lighting. Where provided, illuminated signs should not cause glare to neighbouring properties, ideally being turned off at night, and external lighting should be angled and/or diffused to also prevent nuisance.

- **Noise and/or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music** – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby residential properties. Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.
- **External Areas** – External areas such as gardens can be the source of noise disturbance to surrounding premises. Consider limiting the use of the garden to a reasonable time and number of people.
- **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast-food takeaways. The Council's Noise and Nuisance Service may therefore require evidence that the kitchen ventilation and/or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQs.
- **Queue management** - establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder or public nuisance by customers who are queuing.
- **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.
- **Waste** – consider how and where waste will be stored/disposed of at the end of trading hours, particularly if trading until late at night. This is important because the disposal of glass and/or cans to outside bin areas can be very noisy and give rise to complaints, so it may be necessary to store such items and other non-degradable refuse inside the premises until the next trading day. Consideration should also be given to the time of deliveries to minimize disruption to local residents.
- **Litter** – for example, litter patrols for late night take-away premises

Commercial waste can also be taken directly to one of the council's approved waste transfer sites. Alternatively, there are several licensed waste carriers operating within the Borough, which are listed on the council website.

If you do not have a commercial waste agreement the Council offers a flexible service that allows businesses to increase or decrease their collection service every three months and the contract can be revised by calling the trade waste team on 020 8753 3021, or alternatively email them on [tradewasteemails@lbhf.gov.uk](mailto:tradewasteemails@lbhf.gov.uk).

### **The protection of children from harm**

The Licensing Authority will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff. This is expected to include:

- The legislation recognises the right of licence holders (serving alcohol) to allow accompanied children into their premises at any time. The Licensing Authority will not normally seek to limit their access (above that specified in the Act) to any premises unless it is necessary for the prevention of physical, moral or psychological harm, or where there are concerns about child sexual exploitation. Where this is considered likely, upon consideration of a relevant representation, conditions will be imposed that restrict children from entering all or part of licensed premises:
  - At certain times of the day;
  - When certain licensable activities are taking place;
  - Under certain ages, e.g. 16 or 18;
  - Unless accompanied by an adult.

- The Licensing Authority will particularly consider whether:
  - There is entertainment or services of an adult nature commonly provided;
  - There have been convictions, Penalty Notices for Disorder (PND) or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
  - There is a known association with drug taking or dealing;
  - There is a significant element of gambling on the premises;
  - There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held);
  - There are licensable activities that are likely to appeal to minors/children under 16 taking place during times when children under 16 may be expected to be attending compulsory full-time education;
  - There have been representations from police, the Local Safeguarding Children Board, Trading Standards or other relevant agency or representative.
  - There are measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognize signs of potential child sexual exploitation.
- The sale of alcohol to a minor is a criminal offence and Trading Standards officers will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence. The Act permits the use of children under the age of 18 to undertake test purchases when they have been directed to do so by a duly authorised officer.
- Where a sale of alcohol has been made on the same premises to a minor on two or more different occasions within a period of three months the premises licence could be suspended for a defined period.
- Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age, then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training should be given to all persons who might be in a position to serve or refuse such children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that a sufficient number of adults must be present to control the access and egress (including safe transport home) and to ensure their safety. What is deemed sufficient will depend on the circumstances of the particular event.
- The Licensing Authority will expect operating plans to specify the measures and management controls in place to prevent alcohol being served to children, other than in those limited circumstances permitted by the Act. The Council's Trading Standards officers have a role to play in the protection of children from harm, and proof of age schemes, and are able to provide advice in relation to measures that can be taken to help prevent the sale of alcohol to underage children. Potential licence holders should also be aware of the Proof of Age London (PAL) Scheme hosted by Southwark Council.
- There may be occasions where a display of film is required and needs to be classified by the Licensing Authority or the need for a classification needs to be waived. In this case applicants must apply to the Licensing Authority for this to be carried out.
- Nothing in the above interferes with the right of a licence holder to preclude children from their premises. Conditions requiring the admission of children to premises cannot be attached to licences.

The 'Responsible Authority' in relation to the protection of children from harm is the council's Local Safeguarding Children Board. The Trading Standards service will also have certain responsibilities particularly in relation to the underage sales of age restricted products and providing advice about measures that can be taken to reduce the risk of alcohol sales to under eighteens. The following provides a non-exhaustive list of risks associated with the protection of children from harm objective that applicants may want to consider when preparing their Operating Schedule:

- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks. The Council will expect premises only to accept current passports, driving licences or

documents bearing the national PASS logo, such as Citizencard. The Proof of Age Standards Scheme (PASS) is the UK's national guarantee scheme for proof-of-age cards as endorsed by the Home Office. More information can be found on <http://www.pass-scheme.org.uk/>

- Where an application has not indicated any adult entertainment a voluntary condition that no nudity or adult entertainment will take place at the premises.

## **ANNEX 2: OVERVIEW OF LICENCE APPLICATION PROCESSES**

### **Premises licences**

An application for a premises licence must be made in the prescribed form to this Licensing Authority. This can be made by any person (including an individual, partnership or a business) aged 18 years or over who is carrying on or proposed to carry on a business that involves licensable activities.

An application for the new grant of a premises licence will be subject to a 28 day consultation period and a notice of the application must be displayed at the premises location and be published in a local newspaper.

The Licensing Authority will expect that applicants for a premises licence will normally be an operating company or tenant of a leased premises rather than an employee of the operating company/ premises. The Licensing Authority will also expect applicants for new grants of, and variations to, premises licences to submit a Local Area Risk Assessment with their application.

There is an annual fee for a premises licence which is payable on the anniversary of the granting of the application. Non-payment of this fee will be treated by the Licensing Authority as a serious matter and could result in the suspension of the licence.

### **Personal Licences**

Personal licences will normally be granted as long as the applicant meets the following requirements:

- Aged 18 or over and entitled to work in the UK;
- Possesses a licensing qualification accredited by the Secretary of State;
- Not forfeited a personal licence within five years of their application;
- Produces a Criminal Record Bureau certificate;
- Not have an objection notice from the police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or must show that that such an offence should not lead to refusal on crime prevention grounds;
- Pays the appropriate fee to the council.
- Submits two passport size photographs with their application. One of the photographs must be endorsed, as required.

Applicants with unspent criminal convictions for relevant offences as set out under Schedule 4 of the Act are strongly encouraged to first discuss their intended application with the police and the Licensing Authority before making an application.

A personal licence is valid indefinitely unless otherwise revoked or surrendered. A designated premises supervisor must hold a personal licence.

### **Minor Variations to existing premise licences**

Variations to premises licences or club premises certificates that could not impact

adversely on the licensing objectives are subject to a simplified 'minor variations' process.

A minor variation application may **not** be used to vary the licence to:

- vary substantially the structure or layout of the premises
- vary the Designated Premise Supervisor
- authorise the sale by retail of alcohol
- authorise the supply of alcohol at any time between 11 pm and 7 am
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail

Minor variations will generally fall into four categories:

- Minor changes to the structure or layout of a premises
- Small adjustments to licensing hours (except for the sale/supply of alcohol)
- Removal of out of date, irrelevant or unenforceable conditions and the addition of volunteered conditions
- Licensable activities: adding/removing certain licensable activities, including live music

The key test by the Licensing Authority is whether the proposed variation could impact adversely on any of the four Licensing Objectives. Licensing officers have no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. The determination must be to grant or to refuse an application. There are notice requirements following determined applications.

There are no hearings under the minor variation process. The application will be determined by licensing officers under the Delegated Authority powers of the Council.

There is no requirement for applicants to notify responsible authorities of their application. Responsible authorities only become involved at the request of the licensing officer. The guidance states that licensing officers *'must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.'*

Other persons may make representations based on the Licensing Objectives. Representations do **not** trigger a hearing under the minor variations process, but the guidance states that licensing authorities must take any representations into account in arriving at a decision.

**Granted applications:** The Licensing Authority must notify the applicant of any variation granted, together with the time that the variation will take effect. This will usually be as stipulated in the application, but if the applicant stipulates a date before the notice of determination is given, the Licensing Authority will specify a later time in the notice. Licences and summaries will be re-issued on the grant of a minor variation to reflect the changes made.

**Refused applications:** The Licensing Authority must give notice to the applicant that the application has been refused, together with the reasons for the refusal. Applications that have been rejected under the minor variations process can then be the subject of a full variation application, or of a revised minor variations application. The minor variations refusal does not affect any subsequent variation application in respect of the same premises.

## ANNEX 3: MANDATORY LICENCE CONDITIONS

### Mandatory conditions – on licences

#### 1.

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

#### 2.

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

#### 3.

(i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(ii) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(iii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

#### 4.

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## 5.

(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2). For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (i) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(ii) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## 6.

(1) No supply of alcohol may be made under the premises licence—

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

**1.**

- 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

**2.**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (iv) P is the permitted price,
  - (v) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (vi) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**3.**

- (1) No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

### **Mandatory conditions – club premises**

#### **1.**

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

#### **2.**

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

#### **3.**

1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

#### **4.**

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## 5.

1.A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(vii) P is the permitted price,

(viii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(ix) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1)Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2)The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## 6.

(1) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

- (2) Any alcohol supplied for consumption off the premises must be in a sealed container.
- (3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person. *(only include condition 6 if the CPC also permits supply of alcohol OFF the Premises)*

### **Exhibition of Films**

Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence

Or

where the licensing authority has notified the holder of the licence that it considers a classification or an alternative classification is necessary then

Admission of children must be restricted in accordance with any recommendation made by that licensing authority

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

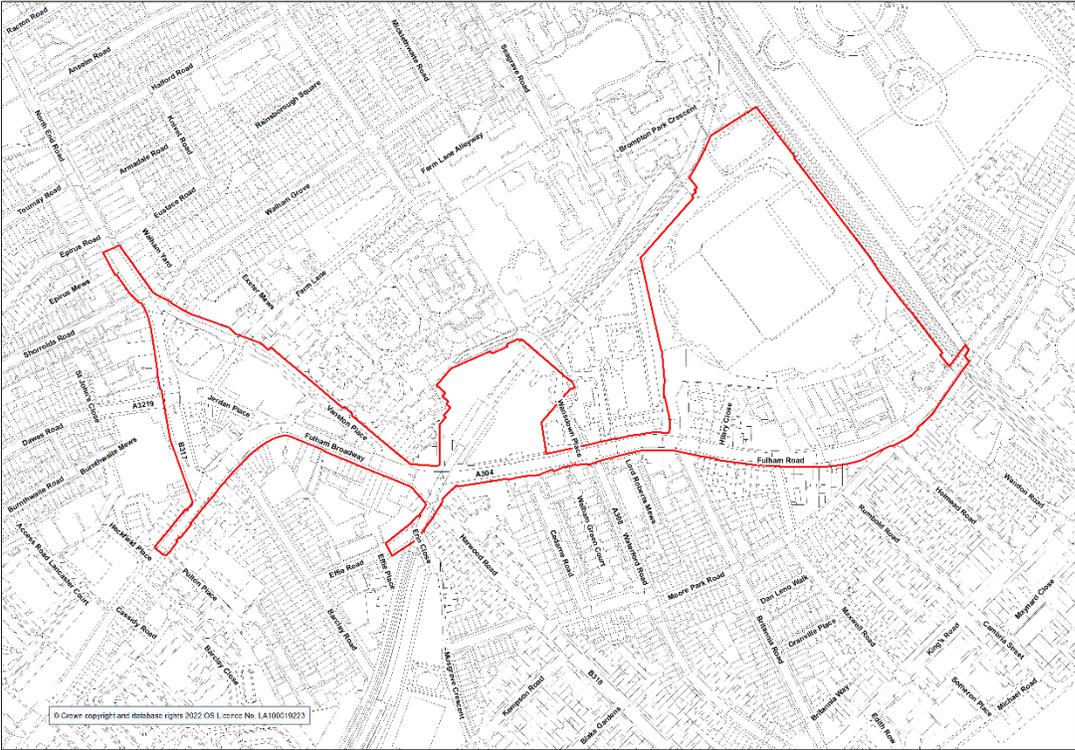
### **Door Supervisors**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

**ANNEX 4: AREA SPECIFIC CUMULATIVE IMPACT POLICIES**

**Fulham Area**

- 1. The Council has decided to introduce a special policy relating to cumulative impact as provided by the Secretary of State in the Guidance issued under section 182 of the Licensing Act 2003 (paragraphs 13.24 to 13.39) to the Fulham Town Centre Area (being the shaded area and all premises which have a principal form of access onto the shaded area as shown on the plan).
- 2. “Cumulative impact” means the potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.
- 3. The Fulham Town Centre Area has been identified as being adversely affected in terms of the Licensing Objectives because of the cumulative impact of the concentration of drink led premises. There is evidence that the cumulative impact includes serious problems of crime, disorder and public nuisance. Having regard to the evidence, the Licensing Authority has been satisfied that it is appropriate and necessary to include an approach to cumulative impact. The evidence for this special policy may be viewed on request at the Council Offices.
- 4. Applications for new premises licences, club premises certificates or any variations within the Fulham Town Centre Area that are likely to add to the existing cumulative impact will normally be refused where a relevant representation has been made, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the Licensing Objectives. Accordingly, the presumption of refusal in this policy is not absolute and the circumstances of each application will be considered where a relevant representation has been made.
- 5. The cumulative impact policy will be kept under review by the Licensing Authority.
- 6. The map below outlines the geographical boundary of the area.



## Shepherd's Bush Area

1. The Council has decided to introduce a special policy relating to cumulative impact (as provided by the Secretary of State in the Guidance issued under section 182 of the Licensing Act 2003 (paragraphs 13.24 to 13.39) to the Shepherd's Bush Area (being the area outlined and all premises which have a principal form of access onto the outlined area as shown on the attached map).

2. "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

3. The four licensing objectives are:-

- The prevention of Crime and Disorder
- Public Safety
- The prevention of Public Nuisance
- The protection of Children from Harm
- Protection

4. This policy will apply to all licensed premises as the Shepherd's Bush Area has been identified as being adversely affected in terms of the licensing objectives because of the cumulative impact of the concentration of licensed premises.



## **ANNEX 5: GROUNDS FOR CONSIDERING A REVIEW**

The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Evasion of copyright in respect of pirated or unlicensed films and music;
- Underage sales and consumption of alcohol;
- Use of a licensed premises contrary to any emergency legislation requesting its closure;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Serious risks to children;
- Use of licensed premises for unlawful gaming and gambling;
- Use of licensed premises as a base for organised criminal activity;
- Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;
- The use of licensed premises for the sale of stolen goods;
- Incidents of disorder;
- Instances of public nuisance where warnings have been disregarded;
- Serious risks to public safety which the management is unable or unwilling to correct;
- Frequently operating outside permitted hours.
- There may be legal implications if activity of child sexual exploitation (CSE) is taking place on licensed premises and there has been a failure to demonstrate due diligence or that adequate safeguards are in place – this may lead to prosecution or any of the licensing sanctions detailed in the paragraph below.

## **ANNEX 6: GLOSSARY**

### **Appeals**

Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

### **Designated Premises Supervisor (DPS)**

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence, or will be the Premises Licence holder themselves (who must also be a Personal Licence holder).

### **Extended hours application**

Any application that seeks to extend the hours of operation of the premises to which it relates. Whilst all applications will be thoroughly scrutinised with a view to the promotion of the Licensing Objectives, particular care might need to be taken when an extension of hours is requested. In such circumstances, there might be greater potential for impact on residential occupiers that might amount to a public nuisance. An 'hours' restriction might be the only method of promoting the Licensing Objectives, particularly in the light of advice in PPG 24 Planning and Noise which recognises a distinction that noise might have on residential occupants between the hours of 11pm and 7am compared with the rest of the day.

### **Late night refreshment premises**

Premises where refreshment is provided at any time between the hours of 11.00pm and 5.00am. This includes the supply of hot food or hot drink to members of the public whether for consumption on or off the premises.

### **Licensable activities**

Those activities under the Licensing Act 2003, which require a licence from the Licensing Authority include the following:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

### **Licensing Authority**

In the Licensing Act 2003 licensing authorities in London are defined as the councils of London boroughs.

### **Other Persons**

Other Persons means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location.

## Personal licences

A licence which:

- Is granted by a Licensing Authority to an individual;
- Authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence.

## Regulated entertainment

Entertainment where the following takes place in front of an audience and is provided for the purpose of entertaining that audience:

- A performance of a play (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.);
- An exhibition of a film (no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.);
- An indoor sporting event (no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.);
- A boxing or wrestling entertainment (indoors and outdoors) (no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.);
- A performance of live music (no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Any playing of recorded music; (no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.)

- **Cross activity exemptions:** no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
  - A performance of dance (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.); and,
  - Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

NB If the music is incidental to the main purpose of the event then this will not require a licence, such as provision of a jukebox.

### **Relevant representation**

A representation (objection) by an ‘other person’ or a responsible authority that relates to the likely effect of the grant of a licence application on the promotion of at least one of the four Licensing Objectives.

### **Responsible authorities**

These include:

- Licensing Authority
- Chief Officer of Police;
- The Fire Authority;
- The enforcing authority for health and safety at work;
- The Director of Public Health’ Team;
- The Planning Authority;
- The Home Office Alcohol Licensing Team;
- The local authority responsible for minimising or preventing the risk of pollution or harm to human health;
- The recognised body responsible for the protection of children from harm;
- Trading Standards.

### **Special event**

A significant event will be deemed to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artiste; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

### **Security Industry Authority (SIA)**

An authority that implements the Private Security Industry Act 2001, their key role is managing and issuing of licences for people working in particular areas of the private security business, including door supervisors.

### **Variation**

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, and change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the premises licence.

## ANNEX 7: MOPAC/SSLP LICENSING POLICY CHECKLIST AND ASSESSMENT

The following table provides details of the Mayor's Office for Policing And Crime (MOPAC) and Safe Sociable London Partnership (SSLP) Statement of Licensing Policy Assessment Criteria. This was used as part of the review and development of this Statement of Licensing Policy. This assessment was undertaken by Dr Matthew Andrews of Safe Sociable London Partnership and completed in March 2022.

<b>MOPAC/SSLP Statement of Licensing Policy Checklist and LBHF Assessment Criteria</b>
1. Does the SOLP outline strategic aims?
2. Are health aims identified in the SOLP?
3. Are there clear measures to promote each of the four licensing objectives? a) Crime and Disorder b) Public Safety c) Public Nuisance d) Protection of Children from harm
4. Does the policy give guidance on licensing hours?
5. Does the policy outline the requirements for a Temporary Event Notice (TEN)?
6. Does the policy outline the how far in advance a TEN needs to be applied for?
7. Does the policy have a Cumulative Impact Policy (CIP) and how many?
8. Is there an explanation of the consideration for adopting or not adopting a CIP?
9. In a CIP, are other mechanisms outside of the licensing regime included in the policy that could reduce the impact of anti-social behaviour and nuisance once the customers are away from the vicinity of the premise?
10. Are strategies outlined to promote partnership working among responsible authorities and other organisations?
11. What are the review dates of the policy?
12. Are methods mentioned to evaluate the effectiveness of the policy?
13. Does the policy include enforcement protocols that have been adopted by the Local Authority?
14. Have schemes been outlined to prevent children from harm? a) Age verification policy and appropriate schemes: such as Challenge 25? b) Test purchasing policies c) Restriction on hours when children may be present d) Training on legal requirements for identifications e) Refusal logs

<b>MOPAC/SSLP Statement of Licensing Policy Checklist and LBHF Assessment Criteria</b>
<b>15.</b> Does the policy explain arrangements with partners for test purchasing? Does the policy explain the likely response to a failed test? Does the policy reference the better regulation guide to test purchasing?
<b>16.</b> Does the policy outline the condition that all sales need to be made or authorised by a personal licence holder?
<b>17.</b> Are there provisions specific to reduce likelihood of crime and disorder at HVVD's? Does the SOLP mention the requirement that door staff hold appropriate licence or exemption? Does the SOLP recommend door supervisors to control entry for compliance with capacity limit and to deny entry to individual who appear drunk and/or disorderly?
<b>18.</b> Does the policy make provisions for a Late Night Levy, including consultation and evidence base required for implementation?
<b>19.</b> Is there a description of or reference to mandatory licensing conditions?
<b>20.</b> Is there a description of or reference to model conditions, and reference to the s.182 guidance on best practice for drafting conditions?
<b>21.</b> Does the SOLP identify the strategic context in which it operates, including the linkages with the Mayor's Vision for London as a 24-Hour City?
<b>22.</b> Does the SOLP identify aims for promoting a night time economy (NTE) that caters to the full range of diversity in the local population?
<b>23.</b> Does the SOLP promote a full range of cultural, leisure, retail and service activity in the NTE?
<b>24.</b> Does the SOLP describe a strategic approach to the safety and wellbeing of customers and workers and residents living in surrounding areas?
<b>25.</b> Does the SOLP take into account the Mayor's Violence Against Women and Girls priority?
<b>26.</b> Does the SOLP identify areas or times in which different types of NTE activity will be welcomed within the borough?
<b>27.</b> Does the SOLP describe how a 24 hour approach to meeting the diverse and flexible entertainment and working needs of residents may be applied?
<b>28.</b> How does the SOLP address issues for vulnerable people in the NTE?
<b>29.</b> In developing the SOLP have strategic guidance and direction from London-wide organisations and experts been taken into account?
<b>30.</b> In developing the SOLP have officers considered best practice examples form other boroughs and Local Authority areas outside London?
<b>31.</b> Does the SOLP identify interlinkages with other borough's NTE's – through borough border areas (eg. Shoreditch/Liverpool St, Camden/Islington etc), entertainment migration trails (eg. Pub in one borough, restaurant in another, night club in a third), transport links between and through boroughs.
<b>32.</b> Does the SOLP identify common best practice relating to: <ul style="list-style-type: none"> <li>a) enforcement practices;</li> <li>b) conditions;</li> <li>c) sales to young people; and,</li> <li>d) licensing hours?</li> </ul>
<b>33.</b> Does the SOLP discuss Cumulative Impact Policies with reference to nearby CIPs in other boroughs.
<b>34.</b> How does the SOLP address partnership approaches?
<b>35.</b> How does the SOLP address issues relating to risk of major emergency services events?

## Contact details

For further information about this policy please contact the Licensing Authority:

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