



Licensing Committee Minutes

Monday 30 September 2024

PRESENT

Committee members: Councillors Mercy Umeh (Chair), Asif Siddique, Wesley Harcourt, Florian Chevoppe-Verdier, Patrick Walsh and Paul Alexander

Officers:

Adrian Overton, Licensing Team Manager
Lorna McKenna, Licensing Compliance Officer
Neil Milligan, Team Leader, Planning and Economic Development
Emmanuel Amponsah, Solicitor
Charles Francis, Committee Coordinator

1. APPOINTMENT OF VICE CHAIR

Councillor Mercy Umeh proposed Councillor Patrick Walsh. This was seconded by Councillor Paul Alexander and agreed by the Committee.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Genevieve Nwaogbe, Bora Kwon, Aliya Afzal-Khan, Zarar Qayyum, Jose Afonso and Dominic Stanton.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

The OPEN minutes of the meeting held on 12 June 2023 were agreed as an accurate record.

5. ANNUAL LICENSING COMMITTEE REPORT APRIL 2023 TO MARCH 2024

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

He explained the presentation would cover a range of topics, including: Staffing Update, Licensing Team performance and work activity in 2023/24 and Financial update on income and debt. Further topics included 2023 - 2024 Licensing Sub-Committees and an enforcement update for 2023/24.

Adrian Overton provided an overview of the Licensing Activities which the Department oversaw and then provided details of the new structure and the Licensing Department's move to Planning.

Move to Planning and New Structure

The Committee noted that Licensing had moved from the Environment Department to Planning (under the Economy Department). Adrian Overton explained the rationale for the move, which was to:

- Develop more cohesive strategies for delivering increased economic activity in H&F.
- Allow staff from across the Planning and Licensing disciplines to share practice and align more closely on proposals for new developments.
- Allow the function of licensing to be viewed through an economic lens rather than a purely regulatory one.
- It was noted that the new structure no longer incorporated the Markets Team.

Staffing Update

The following staff changes were noted:

- a) Karen Layug had left her Team Leader position to start a new career abroad. Cristina Perez-Trillo had taken on this role.
- b) Recruitment for a second Licensing Enforcement Officer was currently underway.
- c) Sophia Barrett had started a new role as an Enforcement Officer.
- d) Abdul Ullah was the new Licensing Compliance Assistant. He started in July 2024.

The Team's Performance and the Licensing Act in 2023/24

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

- Overall, in 2023/24, the service dealt with a total of 1474 applications/notifications under the Licensing Act 2003 compared to 1382 in 2022/23. This was an increase of 6% from the previous year.
- New premises licenses and full variations were similar to last year with 75 new applications.
- In 2023/24 the service received 18 applications for provisional statements, compared to 0 in 2022/23. It should be noted that all of these applications were attributed to the redevelopment work at Olympia Exhibition Centre.
- An increase in personal licenses, transfers and minor variations.

- A decrease in DPS variations, change of details.
- In 2023/24 there was an increase of 11% of Temporary Event Notices (TENs) submitted compared to the previous year.

Licensing Sub-Committee Hearings in 2023/24

Lorna McKenna provided an overview on the number of hearings in 2023/24. The following points were noted:

- 7% increase in hearings compared to the previous year, with over 55% of cases granted in full or in part with amendments.
- All the applications bar one was heard under the Licensing Act 2003, with one review and one sexual entertainment venue license being heard.
- These figures do not include applications that the Licensing Team mediate on, which therefore no longer require a hearing.
- 2024/2025 hearings are likely to be higher due to the Olympia Provisionals and Fulham Football Applications which were heard – 27 in total in April and May 2024.

Financial Update on Income and Debt

In terms of the Financial Management for the period, Adrian Overton, Licensing Team Manager explained that The total Income generated from licensing activities during 2023/24 was £363,460 which is an Increase of £42,994 compared to 2022/23 (£320,466).

It was noted that there had been a small increase in the total number of applications received in 2023/24. The application fees under the Licensing Act were set by statute and could not be amended by local authorities.

It was noted that as of 31 March 2024, total overdue licensing debt was £9,885 compared to £16,675 at 31 March 2023, and Licensing Administration Officers had sent over 40% suspension notices in the last 12 months.

Pre-Application Advice Service and Service Improvements

Lorna McKenna provided details of the Pre-Application Advice Service. The following points were noted:

- The pre-application advice service represents excellent value for money.
- It enabled businesses to get professional advice on how to apply for a licence and is low-cost compared to an agent/solicitor.
- In 2023/24 this generated £3,811 in income compared to £2,445 in 2022/23.
- The team offer free pre application advice for small independent businesses.

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

Achieved:

1. Introduction of a new Nighttime Strategy.
2. Martyn's Law – development of suggested conditions large licensed premises.
3. Ask for Angela / WAVE / drink spiking advice visits.
4. Successful internal audit in early 2023 (a recommendation included increasing the number of enforcement visits which will be actioned as an additional enforcement officer had recently been recruited).
5. Increased work with partner agencies such as Immigration.
6. Started the migration process to a new case management system (NEC).

Planned:

1. New Gambling Policy – more restrictive and possible introduction of Cumulative Impact.
2. Gambling Visits – Focus on preventative measures for problem gamblers.
3. New Sex Establishment Policy.
4. New Film Rating fees.

Nighttime Strategy

Adrian Overton provided an overview of the Nighttime strategy including its rationale and the steps to boost the local economy which included:

- supporting existing businesses.
- attracting new investment.
- creating a welcoming, vibrant, safe and inclusive post-6pm environment for residents, businesses, workers and visitors.

Progress so far

- Online workshop with the Nighttime Economy Working Group.
- Desk-based research.
- Dedicated night tours with invited local stakeholders.
- Night audits of Hammersmith, Fulham and Shepherd's Bush town centres.

Future Work Streams

- Workshops for each town centre.
- Surveys for residents, visitors, workers and businesses.
- Publishing the final strategy.

A summary of the emerging findings of the Strategy as applied to Fulham, Hammersmith and Shepherd's Bush was also provided.

Gambling Policy -2025 - 2028

1. The proposed changes to the new policy include the following:
 - Production of a new evidence base for the policy (known as a Local Area Profile – LAP). This will provide different layers of information including data on crime and anti-social behaviour, areas of deprivation, and the location of gambling support and addiction centres.

- Introducing the principle of cumulative impact into the policy and identifying a number of locations in the borough which are saturated with gambling premises.
- Suggestion that the terminal hour for AGC and Bingo premises is reduced to 10pm (currently 11pm).
- Suggestion that door supervisors must be used from 10pm onwards in any gambling premises.
- A continuation of the borough's current no casino resolution.

Licensing Enforcement

Adrian Overton provided an overview of the inspection and enforcement activities for the period 2023/24. The following points were noted:

- The number of complaints received by the Enforcement Team – 423
- The number of warning letters issued for the breach of licence – 75
- The number of visits / inspections to a premises including checking for compliance, monitoring and test purchases – 195
- The number of full risk assessments undertaken at a premises – 84
- The number of occurrences where advice has been given by enforcement officers including to businesses and residents – 854
- The number of meetings with businesses, multi-agency meetings and residents' meetings - 114

Questions?

Councillor Paul Alexander recounted various public houses which had been open in Fulham in the past and asked officers what could be done to encourage more pubs to open. He also noted that many premises had later hours on their licences, but they appeared reluctant to use them. And asked if there was any particular reason for that. In response, Adrian Overton confirmed that the Nighttime Strategy would encourage other operators to come to the borough. Providing those venues with footfall information and explaining how busy the borough is when they close may well show that it would be economically viable to remain open for longer. Adrian Overton explained that Hammersmith and Fulham's Licensing Policy was one of the most business friendly that he was aware of, and the borough was one of the only London Borough's that did not have cumulative impact zones. He also highlighted the free pre-application advice for smaller businesses that was available, and the Authority was trying to encourage those types of venues as much as it could.

Asking a supplementary question, Councillor Paul Alexander noted that over the past few years there had been a significant increase in the number of applications for storage units (for the off sales of alcohol) and a number of residents had complained about this type of application. He explained that their business models were often unclear, as well as how they intended to operate, and he asked if Licensing had done any research on this area. In response, Adrian Overton confirmed there had been a significant increase in this type of activity since Covid (the delivery of alcohol to customers) and it was a lawful process. However, he

appreciated how this could be disruptive to residents especially if deliveries were taking place at unsociable hours. Adrian explained that if storage units were located in residential areas, then they would be looked at very closely and conditions could be added to a licence such as the use of electric vehicles. Moving forwards, Adrian confirmed there was an opportunity to look at these types of application in tandem with Planning to further assess if a premises could operate in a specific way.

Councillor Asif Siddique thanked the Licensing Team for its hard work. He noted that there were a number of vacant shops and pubs on King Street and businesses were complaining. He asked if there was any business engagement or policy that could be introduced to stimulate the high street. Adrian Overton explained that Licensing Team could help to a limited extent when the premises was licensed, but many of these shop units might not require a licence to conduct their activities. Adrian Overton reiterated that free pre-application advice was available to all independent businesses. He explained that if a business stimulus letter was sent out to all premises, there was a danger this might create a proliferation of businesses that would request an off-sales licence which might lead to issues. Councillor Asif Siddique noted that the Licensing Team worked closely with Economy colleagues and were proactive in helping new businesses with any licensing requests.

Councillor Asif Siddique asked if HMO licences were within the Team's remit, as the HMO licensing fee was considered high by landlords. In response, Adrian confirmed this area was covered by the Housing Department and not Licensing.

Councillor Florian Chevoppe-Verdier highlighted some of points which had been made in the officer presentation – 200 fewer complaints, more advice and less enforcement activity and fewer complaint warning letters. He welcomed the proactive attitude the Service had taken towards businesses and hoped this would continue into next year.

In relation to debt management, Councillor Florian Chevoppe-Verdier welcomed the decrease. He asked if this was everyday debt or legacy debt from previous years. In broad terms, Adrian Overton confirmed it was legacy debt, where there was premises that was no longer operating and had accumulated debt and then it was a case of the new licence holder taking on this debt to revive the Licence. Adrian Overton confirmed that the Licensing Team could not revoke a licence if a premises had not paid the fee, and all it could do was suspend the licence. He confirmed that the Enforcement Team spoke to businesses on a regular basis which was why debt was at a relatively low level for nearly one thousand licensed premises in the borough.

Councillor Chevoppe-Verdier asked how much funding the Council invested and how much it recuperated, when there had been a fraud, or legacy debt. As there was only £9000 of debt outstanding, he mooted this might be as successful as the Council could be. He asked what steps came next in debt recovery. In response, Adrian Overton explained that the Council could appoint a Debt Recovery Agency, but the Licensing Service was mindful of how businesses were currently struggling, so the view had been taken that this was a relatively small amount of money and

moving forwards, the Licensing Team aimed to assist businesses as much as possible in the future.

Councillor Chevoppe-Verdier asked for details to be provided on the seven Audit Committee recommendations, as well as recent expenditure figures for 2022/23 as he wished to establish whether the cost per licencing application had increased or decreased in cost. He also commented there had been a significant increase in the number of supplementary agendas published after the main agenda and asked what could be done in relation to this. In response, Adrian Overton explained what the Licensing Act 2003 permitted and despite working with applicants and objectors, there was only a limited amount that could be done. Lorna Mckenna, Licensing and Compliance Officer explained that the Notice of hearing issued by Licensing did request additional information to be submitted to the Authority at least 48 hours ahead of the meeting. It was noted that Licensing were being more proactive.

In answer to the expenditure question, Adrian Overton confirmed it was £869,000 for 2022/23 and £540,000 for 2023/24. There was far less expenditure due to reduced external legal costs (in relation to defending a review application).

Councillor Patrick Walsh asked officers to clarify the wording that was currently used for the submission of late information. He suggested that stronger wording was used in the Notice of Hearing along the lines of *it is strongly encouraged by the Committee that all representations be submitted a minimum of 48 hours ahead of the committee meeting* to underline that this was counter-productive and should be strongly discouraged as much as possible. In response, Adrian Overton agreed that Licensing, in consultation with Legal colleagues could look at making the language used in the Notice of Hearing more robust.

Action – That Licensing and Legal Services agree a form of robust wording in relation to the submission of late supplementary information (to be used in the Notice of Hearing).

In relation to recruitment, Councillor Patrick Walsh noted that at present there was only one Enforcement Officer. He asked what the ramifications were in relation to the personal safety for those officers conducting site visits on their own. In response, Adrian Overton confirmed that as part of a risk assessment, officers would not be permitted to undertake a premises visit alone in the evening. If evening visits were necessary, then Licensing officers would be accompanied by either a Law Enforcement Officer or a Police officer. Adrian Overton confirmed that Licensing officers did not wear body armour or body cameras as this was seen as unnecessary. When officers conducted visits, this was in plain clothes and it was usual procedure to ask the Manager / DPS of a premises to talk outside. It was noted that it was mandatory for Enforcement officers to inform their manager of what premises they were visiting and what time they anticipated returning to the office, as well as carrying charged mobile telephones with them.

Adrian Overton also confirmed there was a Council database which would alert the Licensing Service if another Council Department had visited a premises and officers had either been threatened or intimidated. As such, officers would be aware that these premises required Police accompaniment.

Returning to the issue of legacy debt, Councillor Patrick Walsh asked if this remained in perpetuity or if there was a point at which this was written off as bad debt. In response, Adrian Overton confirmed that debts of over four years or more were assessed on a case-by-case basis. Options to recover the debt were always considered, and in those cases where this was not possible or practicable, it was written off as bad debt. Councillor Patrick Walsh asked if there was a duty of candour from sellers to prospective businesses if a premises had legacy debt or whether this would be discovered by a new business after they had acquired a premises. Adrian Overton confirmed that was dependent on the Lawyer that had dealt with the transaction and whether or not they had done due diligence. It was noted that a premises could apply for a new licence or might wish to settle a debt, as that respective licence included certain licensable hours that made it commercially more attractive to a purchaser.

Cllr Patrick Walsh asked now may of those licences with the £9,000 debt pool had been issued with a new licence. From memory, Adrian Overton could not recall many instances where this had happened.

Action – That Adrian Overton provide the Committee with further information on the number of premises with Licensing debt which held two licences.

Councillor Asif Siddique asked what steps could be taken to improve the process of applying for either a new licence or a renewal and make it more user friendly. And whether there was best practice at other Local Authorities that Hammersmith and Fulham could emulate. In response, Adrian Overton provided details of the current application process and assured the Committee that the Licensing Service was proactive in providing application assistance at every step of the process. Councillor Asif Siddique thanked the Licensing Team for their hard work.

Councillor Wesley Harcourt noted the 11% increase in Temporary Event Notices (TENs) and asked if this related to the European Football Championships and Olympic Games or whether it was due to a lack of late-night licences. In response, Adrian Overton explained that in his view, where premises traditionally opened on a Friday and Saturday night, they were now seeing events which were advertised online and they were seeing an increase in patrons on a particular occasion, so then the licence holders needed their TEN. It was noted that bars and pubs were not busy simply because it was Friday or Saturday and TENs were driven by specific events, particularly sporting events.

Councillor Wesley Harcourt echoed his colleagues concerns about multiple supplementary agendas and asked if there could perhaps be a single pack in future. In relation to Gaming Centres and non-proliferation, Councillor Wesley Harcourt asked what work was being done with the Planning Department on this issue. In response, Adrian Overton confirmed that Licensing were working in tandem with Planning on this issue. Neil Milligan, Team Leader, Planning and Economic Development, noted the links between Licensing and Planning in relation to the Nighttime Strategy and the greater understanding about how town centres were operating. He confirmed this information would be fed into the Strategy and Planning policies in the future. Neil Milligan confirmed that in many cases, the Council was dealing with historic planning applications, and it was noted

that a considerable amount of gambling had now gone online. He confirmed that the issue of empty premises and what this meant for the borough was being looked at under a number of prisms including: cultural, industrial and planning policies. However, there was no quick fix, and this was an area which would be fed into policies over the next 5 to 10 years.

Councillor Wesley Harcourt noted these timescales but underlined it was important given the Hammersmith and Fulham Plan was being developed and reviewed, that the proliferation of Gaming Centres and Betting Shops was included in this work. With regards to extending and developing the Nighttime Economy, Councillor Wesley Harcourt asked how this could be achieved without causing issues for local residents and what joined up work was being done across Council Departments to try and resolve this tension. In response, Adrian Overton confirmed that colleagues across the Council were aware of the issues and work was being done on a case-by-case basis to look at the suitability and provisions made to a premises under each individual licence. Adrian underlined corporate communication was vital and a webpage would become live soon which would have links to a survey and explain that rationale behind the Nighttime Strategy (and business operating during later hours).

In relation to the Nighttime Economy, the Chair, Councillor Mercy Umeh, asked how Hammersmith and Fulham compared to other London Boroughs. Adrian Overton confirmed that Westminster was an attractive option and Hammersmith and Fulham's consultants were looking at the reasons why visitors to the borough might attend a show in Hammersmith and then make an additional trip into Westminster. And also for ways of keeping visitors within Hammersmith and Fulham. He explained that a number of London Boroughs were in the process of developing their Nighttime Economy Strategies and Wandsworth had recently completed theirs.

In relation to the Nighttime Economy, Councillor Mercy Umeh asked if officers had spoken to a variety of stakeholders to establish what businesses wanted to see included within the Strategy. In response, Adrian Overton explained that he had presented the initial findings of the strategy to the Enterprise Board, and Hammersmith and Fulham's consultants had been in contact with individual business as well as key stakeholders across the borough. The Committee noted the ongoing work to support the development of the Nighttime Economy.

The Committee agreed the recommendation as set out in the report.

RESOLVED –

1. That the Committee note the contents of the report and provide any comments, suggestions or recommendations for the team.

6. DISCUSSION OF EXEMPT ELEMENTS

The sub-committee agreed, under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of the following items of business, on the grounds that they contain the likely disclosure of exempt information, as defined in paragraph 3 of Schedule

12A of the said Act, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Meeting started: 6:30 pm

Meeting ended: 7:17 pm

Chairman

Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
☎: 07776 672945
E-mail: charles.francis@lbhf.gov.uk