

Licensing Committee

Agenda

Monday 30 September 2024 at 7.00 pm

145 King Street (Ground Floor), Hammersmith, W6 9XY

You can watch it live on YouTube:

www.youtube.com/hammersmithandfulham

MEMBERSHIP

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

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Date Issued: 20 September 2024

Licensing Committee Agenda

30 September 2024

<u>Item</u>	<u>Pages</u>
1. APPOINTMENT OF VICE CHAIR	
2. APOLOGIES FOR ABSENCE	
3. DECLARATIONS OF INTEREST	
<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>	
4. MINUTES	4 - 9
<p>To approve the minutes of the meeting of the Committee held on 12 June 2023 as an accurate record.</p> <p>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.</p>	

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. ANNUAL LICENSING COMMITTEE REPORT APRIL 2023 TO MARCH 2024

10 - 30

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.

6. DISCUSSION OF EXEMPT ELEMENTS

Local Government Act 1972 – Access To Information
Proposed resolution:

Under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of the following items of business, on the grounds that they contain the likely disclosure of exempt information, as defined in paragraph 3 of Schedule 12A of the said Act, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Agenda Item 4

London Borough of Hammersmith & Fulham



Licensing Committee Minutes

Monday 12 June 2023

PRESENT

Committee members: Councillors Mercy Umeh (Chair), Paul Alexander (Vice-Chair), Asif Siddique, Zarar Qayyum, Wesley Harcourt, Florian Chevoppe-Verdier, Patrick Walsh, Jose Afonso, Dominic Stanton and Genevieve Nwaogbe

Officers: Adrian Overton, Licensing Policy & Enforcement Manager, Karen Layug, Licensing Administration Team Leader, Lorna McKenna, Licensing Compliance Officer, Jo Woodward, Director of Planning and Property, Economy Department, Matt Butler, Assistant Director of Development Management, Economy Department, Gerta Kodhelaj, Senior Planning, Licensing Solicitor and Charles Francis, Committee Coordinator.

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bora Kwon and Aliya Afzal-Khan.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES**

The OPEN minutes of the meeting held on 27 June 2022 were agreed as an accurate record.

4. **ANNUAL LICENSING COMMITTEE REPORT APRIL 2022 TO MARCH 2023**

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 2022/23 and Financial update on income and debt. Further topics included 2022 - 2023 Licensing Sub-Committees and an enforcement update for 2022/23.

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.

Staffing Update

The following staff changes were noted:

- a) Lorna Mckenna was temporarily filling the Licensing Compliance officer role as maternity cover.
- b) Recruitment for a second Licensing Enforcement Officer – James Dismore.
- c) Sophia Barrett had started a Regulatory Compliance Officer Apprenticeship.
- d) Formal Environment divisional reorganization was implemented in early 2023 with confirmed a permanent role for a Licensing Policy and Administration Team Leader.

Markets and Street Trading

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

Details were provided on the North End Regeneration project, day to day duties and also the regular site inspections which were necessary.

The Team's Performance in 2022/23

Karen Layug, Licensing Administration Team Leader, drew the Committee's attention to some of the key statistics in relation to the work from the previous year.

Key points included:

- 11% increase in applications compared to 2021/22.
- 27% increase in Temporary Event Notices (TENs) compared to 2021/22.
- New Personal Licence applications increased from 127 (in 2021/2) to 144 (2022/23).

- Premises Licence application with a full variation from 20 (in 2021/2) to 31(2022/23).
- Total number of applications processes by the Team increased from 1240 (in 2021/2) to 1382 (2022/23).
- In 2022/23, 43 licensing sub-committee meetings took place, compared to 31 in 2021/22

Financial Management

In terms of the Financial Management for the period, Karen Layug, Licensing Administration Team Leader explained that income generated from licensing activities during 2022/23 was £320,466, which was a decrease of £60,740 (43%) compared to 2021/22 (£381,206) which was due to a reduction in the income stemming from application fees.

It was noted that there had been a small increase in the total number of applications received in 2022/23. The application fees under the Licensing Act were set by statute and could not be amended by local authorities.

In relation to overdue licensing debt, as of 31 March 2023, this was £17,200 compared to £9,900 at 31 March 2022.

An update was also provided on the financial situation for markets, and it was noted that the total income for 2022/23 was £259,729.75, compared to £208,000 in 2021/22 which primarily stemmed from street trading fees. Details were also provided on pre-application income generation.

Service Improvements

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

1. Introduction of a new business friendly Statement of Licensing Policy in July 2023.
2. Ask for Angela / WAVE visits and test purchasing across the borough.
3. Increased work with partner agencies such as Immigration.
4. Continue with test purchasing operation for online sales of alcohol.
5. New anonymous representations policy.
6. Started the migration process to a new case management system (NEC).

And several service improvements were planned in the medium term which included:

1. New Sex Establishment Policy.
2. Night Surgery, Night time strategy and NTE Working Group Action Plan.
3. Martyn's Law – visits and advice to large and medium sized venues.
4. Gambling Visits – Focus on preventative measures for problem gamblers.
5. New Film Rating fees.

Details were provided on the (NTE) Economy Working Group which was started in 2021. This sought to bring a number of partners together, stimulate the NTE and

increase the number of licensing applications in non-residential areas. Areas of work covered by the NTE included:

1. Developing a Business-friendly licensing policy.
2. Developing a Night Time Economy Action Plan.
3. Safety of Women at Night (SWAN).
4. Making 'Ask for Angela' – Visible.
5. Further Night Surgery and introduction of a new Night Time Strategy.

Licensing Enforcement

Adrian Overton provided an overview of the inspection and enforcement activities for the period 2022/23. The following points were noted:

- The number of complaints received by the Enforcement Team – 630
- The number of warning letters issued for the breach of licence – 97
- The number of visits / inspections to a premises including checking for compliance, monitoring and test purchases – 205
- The number of full risk assessments undertaken at a premises – 88
- The number of occurrences where advice has been given by enforcement officers including to businesses and residents – 564
- The number of meetings with businesses, multi-agency meetings and residents' meetings - 135

Details were also provided on a number of enforcement interventions, including: Chelsea Lodge, Polo in the Park and the Queens Club Tennis Tournament.

Questions?

In relation to the income generated from street markets and waste (from markets), Councillor Paul Alexander asked how waste was being apportioned against which markets within the borough, and, if this was a cost against tonnage or volume? In response, Adrian Overton confirmed the waste contract covered all markets, but he would need to reply outside the meeting to as to whether it was by tonnage or volume.

Action – That Adrian Overton confirm whether waste from markets was calculated as tonnage or volume.

Councillor Paul Alexander explained there had been complaints from stall holders who alleged they were being over charged for waste when, in some cases, they were not generating as much waste as their neighbours. In response, Adrian Overton confirmed he would ask the Markets Team Leader to provide a breakdown of the costs.

Action – That the Markets Team Leader provide a breakdown of waste costs per market across the borough.

Councillor Florian Chevoppe-Verdier asked about the policy in relation to anonymised representations, and whether there would be both anonymised and non-anonymised representations circulated to Committee members. And in addition, whether the representation would be fully anonymised or if these would provide a general idea of where the resident lived. In response, Adrian Overton confirmed that the current policy was that committee members would receive a semi-redacted version of representations so that Councillors would know roughly where the resident was from, whereas a fully redacted version would be published to the public website.

Adrian Overton confirmed that Westminster had adopted the same policy, and at a pan-London Licensing Managers Forum, the consensus was that most London Authorities were doing the same as Hammersmith and Fulham.

Councillor Dominic Stanton enquired about films, noting that, in some cases, the Council set the certificate rating. Adrian Overton confirmed this was correct and the Council used exactly the same certification criteria as the BBFC to assess the film.

The Chair, Councillor Mercy Umeh was encouraged to learn about the Licensing Apprenticeship Scheme and asked if this person was from Hammersmith and Fulham. In response, Adrian Overton confirmed that it was an officer that had been working for the Council for some time but had subsequently decided to carry out an apprenticeship.

Closing the public part of the meeting, the Chair, Councillor Mercy Umeh thanked officers for their hard work and for providing such a comprehensive report.

RESOLVED –

- 1. That the Committee approves the Annual Licensing Committee Report 2022/23.**

5. DISCUSSION OF EXEMPT ELEMENTS

The sub-committee agreed, under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of the following items of business, on the grounds that they contain the likely disclosure of exempt information, as defined in paragraph 3 of Schedule 12A of the said Act, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Meeting started: 6.30 pm
Meeting ended: 7.17 pm

Chairman

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Agenda Item 5

London Borough of Hammersmith & Fulham

Report to: Licensing Committee

Date: 30th September 2024

Subject: Annual Licensing Committee Report April 2023 to March 2024

Report authors: Adrian Overton (Licensing Team Manager) and Cristina Perez-Trillo (Licensing Policy and Administration Team Leader)

Responsible Director: Bram Kainth, Executive Director - Place

Summary

This report provides a summary of the work and performance of the licensing service for the period between 1st April 2023 and 31st March 2024 and includes the following:

- a) Staffing, team performance and work activity in 2023/24.
- b) A financial summary of the team's income and debt.
- c) An update on the team's enforcement activity in 2023/24.
- d) An update on the status of the current licensing policies in effect.
- e) An overview of the team's priorities over the next 12 months.
- f) Details of 2023 - 2024 licensing sub committees (*in Appendix 1 attached to this report*)
- g) Details of all current and concluded appeals in 2023 -2024 (*in Appendix 2 attached to this report*)
- h) 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 a 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.

Wards Affected: All.

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The policies and strategies outlined in this report seek to welcome and encourage responsible licensing operators to the borough. This will hopefully bring new business investment, new employment opportunities and more visitors to enjoy their leisure time. The proposal for a new night time strategy will help coordinate and focus our efforts on areas of the borough where we would most like to see late night venues operate.
Creating a compassionate council	The service is compassionate to the needs of businesses and residents. The enforcement work of officers in the team now has a strong focus on ensuring that venues are supportive of women and vulnerable individuals when using the night-time economy.
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	The majority of officers within the team now work from home. This has reduced the amount of time officers spend travelling around the borough on visits, meetings, and licensing hearings. The team also regularly meet and collaborate in person. This new way of working has many positives which the team would like to continue to develop in the future.

Financial Impact

For 2023/24 the total net spend for the Licencing Unit was £176,682 (£540,142 expenditure less £363,460 income). The service ended the year with a net overspend of £21,881 compared to budget (14% of total net budget). The main cause of overspend was a reduction in income generated from licensing activities (£363,000 achieved in 2023/24, compared to £381,000 achieved in 2021/22 and £320,000 achieved in 2022/23).

Implications provided by: Trina Tali-Zekaj, Principal Accountant (Planning), 23rd May 2024.

Reviewed by: Danny, Rochford, Head of finance (Economy Finance), 23rd May 2024

Legal Implications

The Council, as Licensing Authority, is required by law to comply with its statutory duties in accordance with the following legislation and determine applications in accordance with the Council's Statement of Licensing Policy published by the Council and any Guidance issued by the Secretary of State:

Licensing Act 2003

Gambling Act 2005

Local Government Miscellaneous Provisions Act 1982

Local Government Act 1972

The Policing and Crime Act 2017

The Licensing Committee is constituted as Licensing Committee under s6 of the Licensing Act 2003 in respect of licensing and as an ordinary committee under s101 of the Local Government Act 1972 in respect of its licensing, regulatory and registration functions.

The Authority has power under The Gambling Act 2005 to regulate gambling locally under a framework of "aim to permit", while the Commission appointed under the 2005 Act regulate gambling on a national level and focus on operator's licence.

The Commission works in partnership with licensing authorities to regulate gambling.

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 Mrinalini Rajaratnam, Chief Solicitor (Planning, Property, Licensing and Highways) 25 May 2024

Background Papers Used in Preparing This Report

None

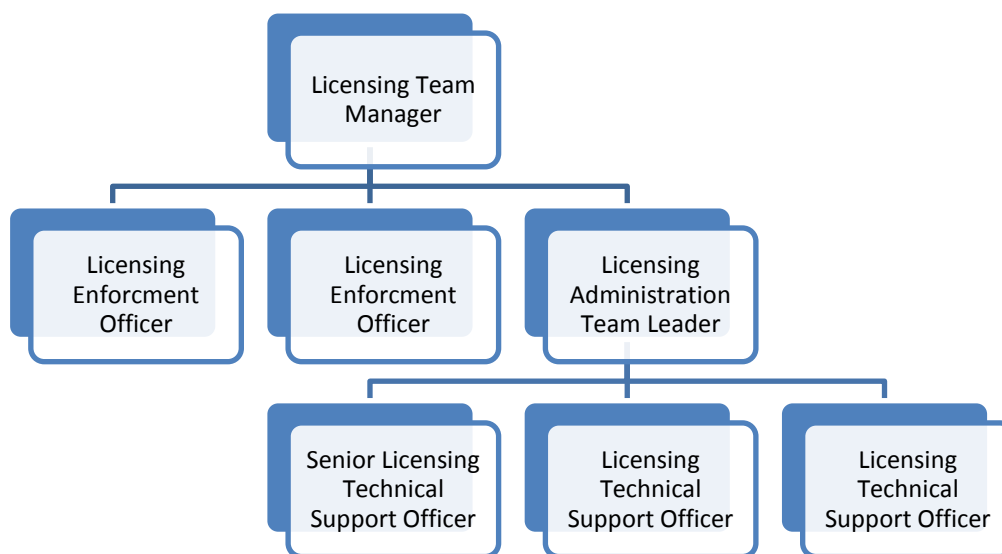
DETAILED ANALYSIS

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. The service also issues licences for gambling premises, gaming machines and lotteries, sex establishments and sexual entertainment venues, film classification and scrap metal dealers.

2. The service manages its own finances which includes invoicing businesses, taking payments, chasing and enforcing non-payment of annual fees for all licensed premises.
3. The Licensing Service works in partnership with others including responsible authorities, blue light emergency services, government departments, residents and businesses to promote the licensing objectives, improve public health, reduce crime and disorder and promote a safe and enjoyable night time economy in the Borough whilst ensuring that it is fulfilling its functions efficiently.

Licensing Team Staffing Structure



4. The Planning and Economic Development Service, which the Licensing Team has been part of since May 2023, has recently moved into the wider Environment directorate.

Team performance, work activity and key achievements in 2023/24

Licensing Act 2003

5. The Authority has a statutory duty to carry out its function with a view to promoting the four licensing objectives, whilst also having regard to its Statement of Licensing Policy which actively encourages new investment in borough, and the Section 182 guidance issued by the Secretary of State. The four licensing objectives set out in the Licensing Act 2003 are outlined below:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm

6. 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.
7. The authority currently has 973 licensed premises (this includes alcohol, gambling, sex establishments and scrap metal premises) and had granted 4049 authorisations for personal licence holders under the Licensing Act 2003. Tables 1 – 9 below illustrate the Licensing Authority’s performance during 2023/24. Data from 2022/23 has been included for comparison purposes.

Applications

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

Table 1: Licence/authorisation type	No. of applications received	
	2022/23	2023/24
New premises licence/ certificate applications	77	75
Provisional statements	0	18
New personal licence applications	144	177
Premises licence/ certificate full variation applications	31	31
Premises licence/ certificate minor variation applications	39	46
Designated premises supervisor (DPS) variations applications	217	194
Transfers of premises licences applications	57	84
Notification of change of name and/or address, lost licence, DPS removals, interested party notification and condition extensions	199	159
Temporary event notices (TENs), Late temporary event notices.	618	689
Total number of applications processed by the team	1382	1473

9. Overall, in 2023/24, the service dealt with a total of 1473 applications/notifications under the Licensing Act 2003 compared to 1382 in 2022/23. This is an increase of 6%.
10. In 2022/23 there were less Temporary Event Notices (TENs) submitted - 618 in 2022/23 compared to 689 in 2023/24. This is an 11% increase in TENs.
11. 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.

Gambling Act 2005

12. 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.
13. 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

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

Table 2: Types of gambling premises	Total	
	2022/23	2023/24
Adult Gaming Centres	4	3
Betting Shops/ Track Betting	24	24
Bingo	3	3
Total	31	30

15. The data in table 2 shows that there is 1 less Adult Gaming Centre compared to 2022/23. There has been no change in the number of Betting Shops/ Track Betting and Bingo premises in the borough. In addition to the above there are 128 active permits and small society lottery authorisations in effect.

Licensing Sub Committee Hearings

16. Where a representation is made to an application which is not subsequently withdrawn, a sub-committee needs to be arranged to reach a decision. A sub-committee is also needed in all circumstances when a review application is made.
17. In 2023/24 a total of 46 licensing sub-committee hearings were organised, this is an increase of 7% compared to 43 for 2022/23. Please note that these figures do not include the large volume of applications for Fulham FC (7) and Olympia Exhibition Centre (20) which were recently heard by licensing-committees, as all these hearings took place after the 1st April 2024. A breakdown of the hearings for 23/24 is provided below.
18. The majority of the hearings arranged were to consider applications made under the Licensing Act 2003, 1 hearing was arranged to consider the renewal of the Sexual Entertainment Venue (SEV) premises under the Local Government Miscellaneous Provisions Act 1982. The licensing service did not receive any new gambling premises licence applications in 2023/24. A full list of details of the licensing sub committee hearings organised can be seen at Appendix 1.

19. Table 3 below illustrates the total number of sub committees.

Table 3: Total number of Licensing Sub Committee hearings organised	2022/23	2023/24
New Premises Licence	23	30
Variation of a Premises Licence	17	14
New Personal Licence	1	0
Review Applications	2*	1
Renewal of SEV licence	0	1
Total	43	46

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

Table 4: Licensing Sub Committee outcomes new, variations and renewals	2022/23	2023/24
Granted/Agreed	9	17
Agreed in part	8	11
Refused	9	7
Disposed / Adjourned*	17	11
Total	43	46

21. As shown in table 3 above, the licensing service received 1 review application in 2023/24, the same number in 2022/23. * 2 sub-committee hearings were organised for the review in 2022/23 as 1 hearing was adjourned.

22. 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

23. 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.

24. There were 2 appeals lodged against the decisions of the licensing sub-committee in 2023/24 compared to 1 in 2022/23. A full report on appeals heard in 2023/24 can be seen at Appendix 2.

Finance Management

25. Financial management is a very important and time consuming part of the team's work. The licensing team generates income from a number of sources including application fees, annual fees, pre-application advice and costs awarded following appeals or legal action. In addition to managing and overseeing all financial transactions, reconciliation of payments is crucial in allowing officers to suspend premises licences for non-payment of fees, and to take enforcement action where necessary.

Income 2023/2024

26. Table 5 below outlines the income received by the service for the period 2023/24:

Table 5: Income generated	2022/23	2023/24
Annual fees	£256,120	£278,779
Application fees	£61,901	£80,870
Pre-Application advice fees	£2,445	£3,811
Total Income	£320,466	£363,460

27. The licensing team's income from application fees increased by 31% in 2023/24. Income from pre-application advice fees increased by 56%, whilst the total number of pre-application advice given was lower, there were more requests for large applications and extra-large events. The application fees under the Licensing Act 2003 are set by statute and cannot be amended by local authorities.

Pre-application advice

28. 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 2023/24 this generated £3,811 in income.

Table 6: Licensing Pre-Application Advice	2022/23	2023/24
Small	0	1
Medium	8	2
Large	3	5
Extra-large events	0	1
Total	11	9

29. 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.
30. The team will continue to promote the pre-application advice service to support local businesses. In an effort to try and support new businesses starting out in the borough the team offers free pre application advice for small independent businesses.

Debt Management

31. Debt management is a priority for the service. The total overdue debt decreased by 41%, as of 31 March 2024 - the total overdue debt was £9,885, compared to £16,675 as of 31 March 2023. The number of suspension letters issued in 2023/24 was significantly higher than the previous year, the team continuously monitor debt and take a stepped approach to recover fees.
32. 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 2023/24 there were 234 suspension notices issued by the team and consequently 13 licences are currently suspended.

Table 7: Suspensions of premises licences		Suspension notices sent
33. Offi cer s	2022/23	127
	2023/24	235

provide advice and arrange payment plans and direct debits 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

34. 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 around the immediate vicinity of a licensed premises. This partnership working has been highly effective in tackling crime and disorder linked with licensed premises. This collaborative approach to enforcement is well highlighted in a fortnightly Licensing Action Group meeting (LAG) which all responsible authorities, as outlined below, are invited to attend:

- Licensing Authority
- Police Licensing Team
- Local Fire and Rescue Authority
- Health and Safety Team
- Environmental Health Team

- Planning Authority
- Safeguarding
- Trading Standards
- Home Office Immigration Enforcement

35. Table 8 below details the enforcement action taken during the 2023/24 period:

Table 8: Inspection and Enforcement	Output	Total 2022/23
Complaints received	Number of complaints received by the enforcement team	423
Warning letters issued	Number of warning letters issued for breaches of licence	75
Licensing visits/ inspections	Number of visits/ inspections to a premises including checking for compliance, monitoring and test purchases	195
Risk Assessments	Number of full risk assessments undertaken at a premises	84
Advice Given	Number of occurrences where advice has been given by enforcement officers including to businesses and residents	854
Number of meetings	Number of meetings with businesses, multi-agency meetings, and residents meetings.	114

36. Table 8 above illustrates that during 2023/24 the team received 423 complaints. It also shows that 75 warning letters were issued. Our preference is to enforce through advice and mutual agreement where possible, and the team actively works with businesses and individuals to advise and assist so we can obtain compliance where possible. Formal enforcement action is only taken as a last resort, or where there have been very serious non compliance issues such as the sale of alcohol to a child.

37. The team have also taken part in a number of proactive operations and initiatives throughout the year, some of which are highlighted below:

Ask for Angela Operation

The Licensing team organised a joint Ask for Angela / drink spiking advice operation in December 2023. The visits took place in our three town centres, with teams of officers (from Licensing, Community Safety and the Law Enforcement Team) in each location. 60 premises in total were visited. The work involved entering a number of licensed

premises over the course of the day/ early evening and offering advice and guidance to each of the licensed premises on Ask for Angela. Information was also provided on welfare and vulnerability training more generally, and drink spiking.

Each venue was asked what steps they would take if they were concerned with a customer's welfare, and how they would deal with a drink spiking incident. Posters and signage were also left with each of the venues visited.

On the whole, the majority of premises we visited were aware of Ask for Angela and had conducted some form of training for their staff. However, there were still large numbers of premises who were not displaying posters even though their staff were aware of the scheme. These premises are in the process of being revisited.

Martyn's Law – New proposed conditions.

Further to the forthcoming introduction of Martyn's Law (new terrorism legislation in wake of the Manchester Area bombing in May 2017) the licensing team have developed a number of suggested conditions for licensed premises with a capacity of 100 people or more. These conditions are now available on the Council's Licensing webpage, and we have been actively encouraging venues to consider these conditions when making new licence applications, or where they are looking to alter their existing licence.

We have also contacted all of the 'enhanced tier' premises (with capacities over 800), to make them aware of the new conditions, and to discuss what counter terrorism procedures they currently have in place.

Night Time Economy Working Group (NTEWG)

The Licensing Service continues to chair these monthly meetings which are attended by local businesses, responsible authorities, and other key stake holders in the borough.

The most recent meetings have focused primarily on the development of a working brief for the borough's night time strategy, which has been highlighted as an urgent requirement.

The development of this Strategy aligns with the Council's wider desire to create a vibrant, safe and considerate night time economy which support the revival of nightlife, with more well-managed late licences in non-residential areas. The Strategy will not solely focus on licensed premises and will look to create an environment where other businesses and services (such as laundrettes or doctors' surgeries) can also operate later into the evening.

One of the core aims of the Strategy will be to create an inclusive night time environment which caters to the diverse needs and interests of its residents and visitors whilst protecting amenity where needed This will not only enhance the quality of life for residents and visitors, but also contribute to the economic and cultural growth of the borough.

We are currently in the process of appointing a consultant to help progress the consultation and evidence gathering phase of the strategy over the next four months. The final strategy will be available at the end of September / early October.

Service Improvements

38. The team are configuring the new case management system NEC Assure to ensure it is fit for purpose and that data integrity is maintained upon migration of application and licence data held on the department's current licensing database (Uniform) and document management system.
39. In December 2023 the Licensing Service took part in an external audit assessment over a three week period. A draft report on the audit was recently issued in April 2024 and the executive summary of the report explained that '*Satisfactory assurance can be given that the controls relied upon at the time of the audit were suitably designed, consistently applied and effective in their application*'. Seven recommendations were made in the report, many of which have been immediately implemented. Extra information has been provided in relation to other recommendations, before a final audit is produced and sent back to us.
40. The team continues to ensure that we maximise the use of our financial systems to aid in the invoicing of fees and receipting of payments. We also continue to promote the direct debit service to licence holders.
41. We are continuing a review of the information published on our website to ensure it is kept up to date.
42. We have reviewed our procedures when publishing representations to applications on our website. Representations within reports which are available to the public are now fully anonymised.

Policy Update

43. 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

44. 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.
45. 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.

46. 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 new SLP was published in July 2022 and is next due to be reviewed by July 2027 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/lbhf-statement-of-licensing-policy-2022-2027-150722.pdf

47. The most recent changes to the policy which were implemented in July 2022 include:

- Three new themes outlining the strategic aims of the policy.
- A clear commitment to supporting more late licences in non-residential areas.
- Separate section on the safety of women and vulnerable individuals in licensed settings.
- A removal of the cumulative impact areas previously in place in Fulham and Shepherds Bush.

Statement of Gambling Policy

48. 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.
49. 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 revised SGP 2022 - 2025 was approved at a Full Council meeting in January 2022.
50. We are currently in the process of making a number of changes to a revised Gambling Policy in order to make it more restrictive, and to try to address the clustering of gambling businesses in areas of high crime and deprivation.
51. 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 would 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.

Proposed timeline for new Gambling Policy	
14 th October 2024 to 22 nd November 2024	6 week consultation
30 th September 2024	Annual Licensing Committee
13 th November 2024	SLT
2 nd December 2024	Political Cabinet
22 nd January 2024	Full Council

Sex Establishment Policy

52. The Council's Sex Establishment Policy was introduced in 2011 further to the Council adopting an amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which reclassified these venues. The current policy focuses on the locality of such establishments and their potential for being the cause of crime and disorder and anti-social behaviour.
53. Whilst there is no legal requirement to renew our policy, it is our intention to review the policy in 2024/25 with colleagues from the community safety team who specialise in sexual exploitation. We want to ensure that the policy is particularly focused on the welfare of any individuals involved in the sex industry, as well as protecting residents who live in close proximity to such venues.

Enforcement Policy

54. 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

55. 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)

56. The key priorities for the Licensing Team in 2023/24, while promoting the four licensing objectives are as follows:

- a. To introduce a new Night Time Strategy for the borough by the end of the year which focuses on our three town centres.
- b. To review the Council's Statement of Gambling Policy to introduce 'areas of concern' in our local area profile.
- c. Encourage well-managed late licences in non-residential areas by promoting and advertising our pre application service so that restaurants and cafes can profit from a considerate night-time economy.
- d. Carry out inspections to all licensed scrap metal dealers in the borough to check that they are operating in accordance with the terms and conditions of their licences.
- e. To work with community safety colleagues to review our sex establishment policy so it specifically considers the welfare of the vulnerable individuals who are involved in the industry. The new policy will also make it clear that any hearings can be held virtually.
- f. To undertake licensing inspections at all medium and large entertainment venues in the borough, in line with the forthcoming Martyn's Law legislation (this legislation was drafted in the wake of the Manchester Arena terrorist attack in 2017, and seeks to ensure that public safety requirements are always met at licensed premises). These visits will ensure that counter terrorism (CT) awareness training has been offered to all staff, and that venue specific CT measures are in place for every venue in advance of this legislation being implemented.
- g. To arrange and implement an online test purchase operation with the Council's Trading Standards team and Police cadets. This operation will focus on businesses which have had allegations of underage sales previously, and any businesses who have recently started operating an alcohol delivery service.
- h. Respond to public complaints, councillor complaints and other requests for service and investigate within service standards.
- i. 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.
- j. Ensure that the licensing team operates in a manner that is financially efficient by the invoicing of annual fees and maintaining a systems to identify non-payment of fees, and taking the appropriate enforcement action whilst being sensitive to the circumstances of local businesses.
- k. 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.

- l. 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.
- m. To continue to promote the pre-application advice service to assist businesses and increase income. To also carry out a benchmarking exercise to ensure the service is priced broadly in line with other authorities.
- n. To continue to improve our online application service for businesses and to reduce paper within the service.
- o. 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.
- p. 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.
- q. Partnership working with the Police and other agencies such as Barnardos to carry out further Child Sexual Exploitation (CSE) visits at licensed premises.
- r. Reduce the number of incomplete licences issued and continuous service improvement work on the licensing database.
- s. To work with the digital services team and other business departments to ensure the new NEC Assure system is fit for purpose and that data integrity is maintained upon migration to a new case management system.
- t. To review our procedure for rating films, with a view to possibly charging for this service and to produce clear guidance / forms for applicants.

Equality Implications

- 57. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it as set out in s149 of the Equality Act 2010 (the Act). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to

participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

58. 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.
59. This has been achieved in part by monitoring our enforcement actions from an equalities perspective to ensure that we are proportionately visiting diverse businesses.
60. Our enforcement policy contributes towards the corporate priorities of the Council and open and transparent decision making.
61. This report is for information only and is not requesting or proposing any changes to policy. Therefore, there is not impact on those with protected characteristics as a result of this report.

Risk Management Implications

62. 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. The report provides assurance over the full range of responsibilities and activities of the Licensing service for the year, which support the Council's objectives.

Comments verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 20 May 2024

Other Implications

There are no environmental implications or human rights implications under the Human Rights Act 1998 arising directly from this report, as it is for information only.

List of Appendices:

Appendix 1 - Details of Licensing Sub-Committee hearings

Appendix 2 - Details of Appeals

Appendix 3 – Details of complex cases

Details of the Licensing Sub Committees

Hearing Date	Premises	Postcode	Ward	Type	Outcome
04/04/2023	Foodstars Fulham Unit 20 Talina Centre 23A Bagley's Lane	SW6 2BW	Sands End	New grant for commercial kitchen units	Application Withdrawn
11/04/2023	Margartita Mama's 149 North End Road	W14 9NH	Avonmore	New grant for restaurant	Refused
19/04/2023	Marquee Outside the West Stand Toward Britannia Gate Stamford Bridge Stadium	SW6 1HS	Walham Green	New grant for marquee at a football ground	Application Withdrawn
19/04/2023	Alcohol Virgin Unit 3054- 29 Seagrave Road	SW6 1RP	Lillie	New grant for online store	Refused
19/04/2023	Railway Arch 71 Albion Mews	W6 0JN	Hammersmith Broadway	Standard variation for online store	Objection Withdrawn
26/04/2023	Shepherds Bush Food And Wine 20 Shepherd's Bush Road	W6 7PJ	Addison	Standard variation for shop	
02/05/2023	The Swimming Pig 61 Walham Grove	SW6 1QR	Lillie	New grant for retail and taproom	Refused
10/05/2023	London Oktoberfest Lillie Road Recreation Ground Lillie Road		Munster	New grant for a time limited festival	Application Withdrawn
10/05/2023	206 - 208 Hammersmith Road	W6 7DH	Brook Green	New grant for restaurant	Granted with added conditions
10/05/2023	The Riverside Studios 101 Queen Caroline Street	W6 9BN	Hammersmith Broadway	Standard variation for art and media centre	Granted modified activities / conditions
23/05/2023	Bridge Baker 811 Fulham	SW6 5HG	Fulham Town	New grant for bakery &	Granted with added

	Road			pizzeria	conditions
23/05/2023	Secrets 62 Glenthorne Road	W6 0LR	Grove	Sexual Entertainment Venue Renewal	Objection Withdrawn
21/06/2023	Belushi's 13 - 15 Shepherd's Bush Green	W12 8PH	Addison	Standard variation for a pub	Granted
21/06/2023	No. 1 Coffee And Restaurant 3 Wood Lane	W12 7DP	Shepherd's Bush Green	New grant for restaurant	Granted
05/07/2023	Morley's Fulham 308 - 310 North End Road	SW6 1NQ	Walham Green	New grant for a restaurant/ takeaway	Refused
11/07/2023	Safebury's 159 - 161 North End Road	W14 9NH	Avonmore	New grant for convenience store	Granted with added conditions
11/07/2023	Bodean's BBQ 4 Broadway Chambers Fulham Broadway	SW6 1EP	Walham Green	Standard variation for a restaurant	Application withdrawn
31/07/2023	Shell Fulham Cross 222 - 224 Fulham Palace Road	W6 9NT	Fulham Reach	Standard variation for petrol station store	Refused
02/08/2023	Woody Grill 1 - 3 Uxbridge Road	W12 8LJ	Shepherd's Bush Green	Review by Immigration Compliance & Enforcement Team	Licence suspended/ added conditions
06/09/2023	Dough and So Bakery 140 Uxbridge Road	W12 8AA	Shepherd's Bush Green	New grant for bakery	Refused
13/09/2023	Charlotte's Cloud Unit E Distillery Wharf Regatta Lane	W6 9BF	Hammersmith Broadway	New grant for cafe	Granted
13/09/2023	The Tommy Tucker 22 Waterford Road	SW6 2DR	Parsons Green And Sandford	Standard variation for pub	Application Withdrawn
26/09/2023	Papa Johns Pizza 63 Walham Grove	SW6 1QR	Lille	Standard variation for pizza takeaway	Refused
27/09/2023	Gilass Cafe	SW6	Lille	Standard	Granted

	and Restaurant 335 North End Road	1NN		variation for restaurant	modified activities / conditions
04/10/2023	Fulham Arms 135 - 137 Stephendale Road	SW6 2PR	Sands End	Standard variation for pub	Granted modified activities / conditions
04/10/2023	All In 1 Vapes/Off Licence 202 Uxbridge Road	W12 7JP	Shepherd's Bush Green	New grant for off licence	Granted with added conditions
24/10/2023	Unit U15 71 Townmead Road	SW6 2ST	Sands End	New grant for online store	Granted modified activities / conditions
24/10/2023	Pepe's Peri Peri 1 Wood Lane	W12 7DP	Shepherd's Bush Green	Standard variation for takeaway	Granted
08/11/2023	The Rose And Ball-Chelsea Football Club Stamford Bridge Stadium	SW6 1HS	Walham Green	New grant for hospitality suite at football ground	Granted modified activities / conditions
22/11/2023	Fulham Local Food & Wine 126 Stephendale Road	SW6 2PH	Sands End	New grant for convenience store	Granted modified activities / conditions
06/12/2023	Freak Scene 28 Parsons Green Lane	SW6 4HS	Fulham Town	Standard variation for restaurant	Application Withdrawn
06/12/2023	North End Food & Wine 228 North End Road	W14 9NU	West Kensington	New grant for convenience store	Granted with added conditions
12/12/2023	Pho 4 Broadway Chambers Fulham Broadway	SW6 1EP	Walham Green	Standard variation for restaurant	Objection withdrawn
16/01/2024	Caddi Club Fulham Unit A Hamilton House Parr's Way	W6 9UQ	Hammersmith Broadway	New grant for virtual golf club	Objection withdrawn
29/01/2024	Go Mezza 286 King Street	W6 0SP	Ravenscourt	New grant for restaurant/ takeaway	Granted with added conditions
29/01/2024	Gilass Vibes 80 - 82	W12 8HA	Shepherd's Bush Green	New grant for shop and	Granted modified

	Goldhawk Road			restaurant	activities / conditions
31/01/2024	Padel Social Club 1 Empress Approach	SW6 1TW	West Kensington	New grant for padel club	Granted
31/01/2024	North End Road Post Office 363 North End Road	SW6 1NW	Lillie	New grant for post office	Granted
07/02/2024	Chicken Cottage 82 North End Road	W14 9ES	West Kensington	Standard variation for takeaway	Granted with added conditions
14/02/2024	Parsons Green Sports & Social Club 31 Broomhouse Lane	SW6 3DP	Palace And Hurlingham	New grant for sports and social club	Granted modified activities / conditions
14/02/2024	JMB Food And Wine 143 Askew Road	W12 9AU	Coningham	Standard variation for convenience store	Granted modified activities / conditions
26/02/2024	Parson's House Nursery 11 Heathman's Road	SW6 4TJ	Fulham Town	New grant for private functions at a nursery	Granted with added conditions
26/02/2024	Jesse's House 8 Heathman's Road	SW6 4TJ	Fulham Town	New grant for members club	Granted
13/03/2024	Pepe's Piri Piri 179 King Street	W6 9JT	Hammersmith Broadway	New grant for takeaway	Objection withdrawn
19/03/2024	Members & Roof Terrace Broadway Bar And Grill 474 - 476 Fulham Road	SW6 1BY	Walham Green	New grant for shadow licence	Granted
19/03/2024	Ground & First Floor Broadway Bar And Grill 474 - 476 Fulham Road	SW6 1BY	Walham Green	New grant for shadow licence	Granted