

# Licensing Committee Minutes

Tuesday 25 June 2019

## **PRESENT**

**Committee members:** Councillors Natalia Perez (Chair), Fiona Smith (Vice-Chair), Colin Aherne, Wesley Harcourt, Rachel Leighton, Zarar Qayyum, Asif Siddique and Matt Thorley

**Officers:** Bi-Borough Head of Environmental Health, Licensing and Trading Standards – Valerie Simpson, Licensing Manager - Adrian Overton, Licensing Officer - Cristina Perez-Trillo, Legal Advisor - Adesuwa Omoregie and Charles Francis - Committee Coordinator.

Responsible Authorities: Tom Stewart, Metropolitan Police

## 1. **MINUTES**

### **RESOLVED THAT:**

The minutes of the meetings held on 26 June 2018 and 27 March 2019 were confirmed and signed as an accurate record of the proceedings.

The Chair confirmed that the request which had been made at the previous annual meeting in 2018 - to agree a new procedure - had been actioned. It was noted that a Working Group convened on 13 November 2018 and following further email correspondence, a new procedure for Licensing and Licensing Sub-Committees was agreed at 27 March 2019 meeting.

## 2. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors David Morton, Matt Uberoi, Victoria Brocklebank-Fowler and Frances Stainton.

## 3. **DECLARATIONS OF INTEREST**

Councillor Matt Thorley declared a non-pecuniary interest. He confirmed that historically, he had been a member of the Broadway Bar and Grill Private Members Club.

#### **4. ANNUAL LICENSING TEAM UPDATE**

Adrian Overton, Licensing Manager introduced the Licensing Team's Annual Update. Adrian explained that the Team had undergone substantial reorganisation, since it had disaggregated from the Royal Borough of Kensington & Chelsea. As a result, a new team structure was introduced in February 2019 to enable the licensing service to become a sovereign service.

Adrian Overton explained that one of the biggest advantages of the sovereign licensing service was the career and personal development opportunities it had brought the Team and it was noted that Cristina Perez-Trillo would be taking an Enforcement role in the future. Further advantages of the reorganisation were noted as follows:

- Broader and more flexible roles within the team, which had helped to multi-skill staff and support personal development and provide better team cover.
- Progression within the team of three officers to managerial and enforcement roles had demonstrated to other staff members that opportunities could arise internally.
- Dedicated H&F staff managing the team and rather than two part time managers across two boroughs.
- Having a single focus provided the potential to provide a better service for residents and businesses.
- A reduction in managerial salary costs.

An overview was provided on a variety of performance statistics for 2018/19. It was noted that Table 1 on page 10 showed that there had been an increase of approximately 31% in the number of new premises licence applications and a decrease of approximately 10% in the number of new personal licences. In addition, there had been a 15% increase in DPS variations and a slight reduction of approximately 4% on the number of temporary event notices. Overall in 2018/2019, the service dealt with a total of 1258 applications/notifications under the Licensing Act 2003, compared with 1287 in 2017/18.

It was noted that most applications were agreed in part and there had also been 2 refusals, as well as 5 reviews. Of these, two reviews were received from Trading Standards and related to seizures of illicit alcohol and failure to provide credible evidence that the alcohol for sale had been purchased from a legitimately responsible supplier. Two reviews were received from the Metropolitan Police, one of which related to an on licensed premises which failed to provide CCTV to licensing officers following allegations of unauthorised sales of alcohol. The final review was submitted by the licensing team working in partnership with responsible authorities to review an off licence which was continuously breaching licence conditions, selling alcohol to drunk persons, selling counterfeit alcohol and selling alcohol to children.

It was noted that four appeals were lodged against the decision of the licensing committee in 2018/19 compared to only one in 2017/18. Details were also provided on inspection and enforcement activities, events licensing, as well as current investigations and those premises which required remedial action plans to be put in place.

Adrian provided a summary of project work undertaken by the team. The following points were noted:

- **Pool of conditions** – After full consultation, officers had revised the pool of conditions. The new conditions were clearer, more enforceable and realistic.
- **Plastic Free Campaign** – Officers were working in partnership with Chelsea football club to consider reducing the amount of single use plastic cups. The initial match day trial was a success. Fulham and QPR football clubs were also looking to follow suite.
- **MST joint working** - Joint investigative work was conducted by the Police, Licensing and Commercial Services Team to successfully address the issue. In the future, it is anticipated that the role of the Licensing Team will diminish, as the Commercial Services team assume responsibility for enforcement action.
- **Child Sexual Exploitation** - Licensing Officers had worked in partnership with the Police and the Child Protection Agency. This included visiting licensed hotels and bed and breakfast businesses and conducting test purchases as part of Operation Makesafe.
- **Ask for Angela** - Officers had been actively involved in promoting the 'Ask for Angela' scheme which was now in place across the borough.

Valerie Simpson outlined the numerous policy changes which had occurred in the following areas: Statement of Licensing, Statement of Gambling Policy and Enforcement Policy. Concluding her remarks, Valerie also summarised the priorities for the forthcoming year. It was noted that these included:

- Responding to public complaints, councillor complaints and other requests for service and investigate within service standards.
- Supporting the night-time economy in town centres.
- Inspecting all high-risk premises and ensuring all licensed premises operate in accordance their licence and the respective Licensing Policies.
- Maximising income opportunities.
- Working in partnership with other Responsible Authorities to promote the four licensing objectives.
- Improving engagement with residents, clients and businesses and developing a team culture of continuous improvement.

Councillor Colin Aherne noted that several test purchases had been conducted in relation to child exploitation and asked what was meant by this phrase. Adrian Overton explained that in these cases, a Licensing officer would attempt to book into a hotel with an underage child to test whether a room was offered or whether the challenge policy of the premises was effective. Tom Stewart confirmed that the children used in these operations were 16 or 17 years old (Police Cadets) and had received training for the test procedure.

Councillor Wesley Harcourt noted there had been a 25% reduction in the number of inspections (visits to businesses) which had been undertaken and asked how this had affected the service. In response, Adrian Overton confirmed that Licensing had been concentrating its efforts on high risk premises only and had been more reactive, than proactive in the past year. Valerie Simpson added that Licensing

were only visiting those premises where a complaint had been made and, in that way, was doing its utmost to support a thriving night time economy.

Councillor Wesley Harcourt asked when a renewal was made, whether an automatic inspection of the premises took place. Adrian Overton confirmed that since the restructure, renewal activities were conducted by the Commercial Services Team and Licensing assisted them as required. Following on from this point, Councillor Matt Thorley asked whether an inspection took place when there was a change to the named DPS. Adrian Overton confirmed that inspections only took place when there was specific intelligence and grounds to do so.

Councillor Wesley Harcourt noted there had been a number of hearings in 2018/19 where only 2 of the required 3 Members had attended. He asked for this statistic to be sent to him by email.

**Action: Licensing / Committee Services to provide the number of hearings in 2018/19 where only 2 Members attended the Committee**

The Chair asked about the effectiveness of the Council's online systems and whether there was an opportunity to let interested parties receive an automatic email response confirming their objections had been received. In response, Adrian Overton explained that there was scope to improve the online offer in the future and officers were actively investigating where service improvements could be made.

Councillor Zarar Qayyum asked if the pre-application advice service was being promoted and what the charges were. In response, Adrian Overton confirmed that the pre-application advice service was being marketed on the Council's website. He explained that although there was a scale of charges; these varied according to the complexity of the application.

Councillor Rachel Leighton explained that some residents remained unclear about what evidence was required to initiate a review. Adrian Overton confirmed that guidance on making a review application was available on the Council's website. He also urged residents to arrange a meeting with the Licensing Team to discuss their concerns and to use the out of hours service to assist them with evidence gathering.

Councillor Matt Thorley asked if there were any specific issues that the Noise and Nuisance Team were dealing with at present. Valerie Simpson confirmed that there were no issues at present and it was still a shared service (H&F and RBKC) but would become a sovereign service from September 2019.

The Chair commended the plastics free campaign and asked if there were any other initiatives that could be pursued. In response, Adrian Overton confirmed that Licensing were working in partnership with the Events Team to address the issue and would also be advising premises to eradicate plastic straws and to use paper based equivalent products. Councillor Wesley Harcourt confirmed that all events controlled by the Council had stopped the use of single use plastics.

The Chair commented on the recent work which had been conducted on MST's and the links to modern slavery. She asked whether the general level of awareness needed to be raised on these topics. Valerie Simpson confirmed that a considerable amount of joint working had been done by the Police, Environmental Health and the Licensing Team to address MSTs and the recent judgements illustrated that the Council was taking a proactive approach.

Concluding the meeting, the Chair asked for the Committees' thanks to the responsible authorities and officers to be recorded. She also wished Lisa White, Licensing Officer, well, who had recently taken maternity leave.

Meeting started: 7.00 pm  
Meeting ended: 7.50 pm

Chair .....

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