

London Borough of Hammersmith & Fulham

Report to: Licensing Committee

Date: 12th June 2023

Subject: Annual Licensing Committee Report April 2022 to March 2023

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Responsible Director: Jon Pickstone, Strategic Director for Economy

Summary

This report provides a summary of the work and performance of the licensing service for the period between 1st April 2022 and 31st March 2023 and includes the following:

- a) Staffing, team performance and work activity in 2022/23.
- b) A financial summary of the team's income and debt.
- c) An update on the team's enforcement activity in 2022/23.
- d) An update on the status of the current licensing policies in effect.
- e) Details of 2022 - 2023 licensing sub committees (*in Appendix 1 attached to this report*)
- f) Details of all current and concluded appeals in 2022 -2023 (*in Appendix 2 attached to this report*)
- g) 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Exempt: Appendix 2 and Appendix 3 are not for publication on the basis that they contain information relating to the financial or business affairs of a particular person (including the authority holding that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. This new way of working has many positives which the team would like to continue to develop in the future.

Financial Impact

For 2022/23 the total net spend for the Licencing Unit was £549,000 (£869,000 expenditure less £320,000 income). The service ended the year with a net overspend of £74,000 compared to budget (16% of total net budget). The main cause of overspend was a reduction in income generated from licensing activities (£320,000 achieved in 2022/23, compared to £381,000 achieved in 2021/22).

For 2022/23 the total net spend for the Markets and Street Trading service was £364,000 (£624,000 expenditure less £260,000 income). The service ended the year with a net overspend of £137,000 compared to budget (60% of total net budget). Whilst income for the year was £52,000 (25%) more than that achieved in 2021/22, total income was £130,000 less than budgeted. The income budget for 2023/24 has

been reduced, meaning that this overspend is not expected to continue in full from 2023/24.

Implications provided by Kellie Gooch, Head of finance (environment), 1 June 2023.

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 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 2023

Background Papers Used in Preparing This Report

None

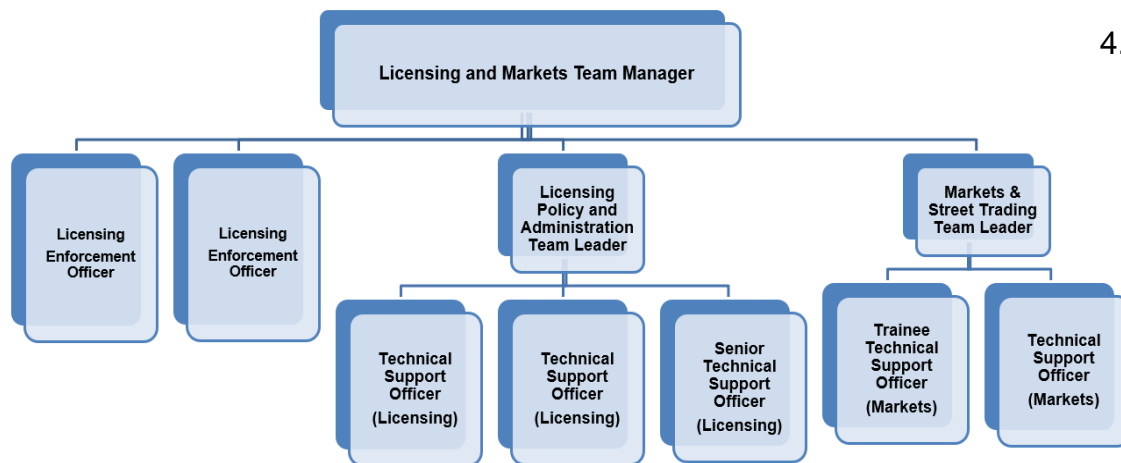
DETAILED ANALYSIS

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, street trading, sex establishments and sexual entertainment venues, film classification and scrap metal dealers.
2. The service manages its own finances which includes invoicing businesses, taking payments, chasing and enforcing non-payment of annual fees for all licensed premises.

3. The Licensing Service works in partnership with others including responsible authorities, blue light emergency services, government departments, residents and businesses to promote the licensing objectives, improve public health, reduce crime and disorder and promote a safe and enjoyable night time economy in the Borough whilst ensuring that it is fulfilling its functions efficiently.

Licensing Team Staffing Structure



4. On the

22nd May 2023 the Licensing Service moved out of the Environment Department and into the Economy Department under Planning. The Markets and Street Trading team was not included in this move and remained in the Environment department. All other elements of the above structure have remained unchanged.

5. As the Licensing Service has an ability to play a key part in encouraging a thriving evening and night-time economy, it was felt that it needed to be more closely aligned with the Council's primary place shaping services, which are located in the Economy Department under Planning.

The rationale and objectives for this move are as follows:

- 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.
- Reduce the administrative burden between teams undertaking similar functions.
- Allow the function of licensing to be viewed through an economic lens rather than a purely regulatory one.

Markets and Street Trading

6. This service includes the monitoring, regulation, and enforcement of approximately 99 pitches across the borough including North End Road (39), Lyric square (25), Wood Lane (6), Match Day Football pitches (21) and other miscellaneous sites (8). We also issue distribution of free literature licences within the approved zones and at approved point of distribution within the borough.
7. Markets and Street Trading is managed using The London Local Authorities Act 1990 (LLAA/The Act.) The Act dictates that no profit is to be made by the Council and provides a specific structure for charges and enforcement, whilst protecting the rights of the licensed trader. The LLAA (London Local Authorities Act) limits what the Council can charge, as only reasonable costs related to the market operation can be collected. This includes administration, enforcement, street cleaning around trading and collecting and disposing of waste.
8. Day-to-day duties include pitch allocations, taking payments, chasing debts, raising invoices, receiving, checking, and issuing street trading licences alongside renewal of existing temporary and permanent trader licences every six to twelve months, respectively.
9. Administratively the team must ensure all traders have all the required documentation to ensure trading is safe for both them and members of the public. This includes Public Liability Insurance up to £10 million, Employers Liability Insurance up to £5 million and LPG-Gas certificates and PAT-Portable appliance test certificates for traders using gas or electric equipment whilst street trading. Our Food traders must register their food business with the respective Local Authority, we also require additional documents to ensure the safe handling, preparation, and sale of food in line with the Food Standards Agency. Food traders are required to provide their Hazard Analysis Critical Control Points Plan (HACCP) and allergen matrix.
10. Operationally we conduct regular site inspections to all sites, to monitor the site and compliance with the licence conditions and take actions where breaches occur. On a weekly basis Lyric Square require commercial bags to be distributed to the traders.
11. Periodically we review and update planning permissions. Look for suitable sites to apply for planning permission and support planning applications from traders. We increased our football pitches by (1) site and are looking to regulate and increase trading days on Lyric Square in 2023/2024.
12. The team work closely with the economy team, Local BID (Business Improvement District) and Residents Associations to assist with planning and issuing street trading licences.
13. The markets team are also responsible for managing waste contracts to ensure the cleanliness of the market pitches are maintained to a high standard.

14. We investigate and respond to complaints around licenced street traders, noise, rubbish, overpitching, parking, and instances of illegal street trading with assistance from the Law Enforcement Team and Trading standards.
15. For 2022/23 the total net spend for the Markets and Street Trading service was £364,000 (£624,000 expenditure and £260,000 income), as detailed below.

Income 2022/2023:

16. Table 1 below outlines the income received by the service for the period 2022/2023

Table1:	Income generated 2022/2023
MKTS-Casual traders North End Rd	£14,227.82
MKTS-DFL	£2,116.14
MKTS-Football Markets	£33,036.67
MKTS-Lyric Sq. Market Thurs & Fri Income	£62,731.32
MKTS-Market Traders Licence Fee	£4,846.43
MKTS-Miscellaneous Markets-On Street	£36,258.36
MKTS-Permanent traders North End Rd	£85,527.01
MKTS-Specialist Markets	£350.00
MKTS-Wood Lane Market	£20,636.00
Grand Total	£259,729.75

Expenditure 2022/2023:

17. Table 2 below outlines the expenditure incurred by the service for the period 2022/2023

Table 2:	Expenditure 2022/2023
Waste contract	£448,000.00
Employee	£130,841.00
Overheads	£ 49,900.00
Miscellaneous	£ 13,700.00
Grand Total	£ 624,441.00

Increased waste contract costs due to high inflation, and an underachievement of the expected income target has had a significant impact on the services financial performance in 2022/2023.

Investment in North End Road

18. The markets team have been involved in the community-led redesign of North End Road which is focused on providing a long-term enhancement of the market and supporting the growth of existing and new businesses.
19. To date the borough has invested £1.9m into these public realm improvements, including creating seating areas, dwell areas, replacing paving and kerbs, and improving market pitches.
20. The key market pitch improvements include the levelling of all market pitches and the installation of EV chargers and water standpipes. The regeneration works are now complete, and the focus is now on attracting and retaining new market traders.
21. We offer new traders who wish to try out trading on North End Road reduced pitch fees and parking support for up to (18 months). This offer is made on the proviso that they trade at least (4) times a week and that they commit to a probationary month of (4) weeks.
22. As of April 2022, we have had interest from new traders with (7) traders starting then leaving due to non-financial viability. We currently have (6) traders still actively trading with (6) new traders starting within the next two months.
23. We have (2) returning seasonal traders who trade less than 4 days per week.
24. We have seen a decline in the number of permanent traders, with the loss of (2) traders in this fiscal year.

Team performance, work activity and key achievements in 2022/23

Licensing Act 2003

24. 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
25. 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.

26. The authority currently has 994 licensed premises (this includes alcohol, gambling, sex establishments and scrap metal premises) and had granted 3936 authorisations for personal licence holders under the Licensing Act 2003. Tables 1 – 9 below illustrate the Licensing Authority's performance during 2022/23. Data from 2021/22 has been included for comparison purposes.

Applications

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

Table 1: Licence/authorisation type	No. of applications received	
	2021/22	2022/23
New premises licence/ certificate applications	96	77
New personal licence applications	127	144
Premises licence/ certificate full variation applications	20	31
Premises licence/ certificate minor variation applications	25	39
Designated premises supervisor (DPS) variations applications	253	217
Transfers of premises licences applications	70	57
Notification of change of name and/or address, lost licence, DPS removals, interested party notification and condition extensions	163	199
Temporary event notices (TENs), Late temporary event notices.	486	618
Total number of applications processed by the team	1240	1382

28. Overall, in 2022/23, the service dealt with a total of 1382 applications/notifications under the Licensing Act 2003 compared to 1240 in 2021/22. This is an increase of 11%.
29. In 2021/22 there were less Temporary Event Notices (TENs) submitted - 486 in 2021/22 compared to 618 in 2022/23. This is a 27% increase in TENs.

Gambling Act 2005

30. 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.

31. 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

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

Table 2: Types of gambling premises	Total	
	2021/22	2022/23
Adult Gaming Centres	4	4
Betting Shops/ Track Betting	24	24
Bingo	3	3
Total	31	31

33. The data in table 2 shows there has been no change in the number of Adult Gaming Centres, Betting Shops/ Track Betting and Bingo premises in the borough. In addition to the above there are 76 active permits and small society lottery authorisations in effect.

Licensing Sub Committee Hearings

34. 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.
35. In 2022/23 a total of 43 licensing sub-committee hearings were organised, this is an increase of 34% compared to 32% for 2021/22. A breakdown of these hearings is provided below. All of the hearings arranged were to consider applications made under the Licensing Act 2003. The licensing service did not receive any new gambling premises licence applications in 2022/23. No applications were heard in 2022/23 for the renewal of the Sexual Entertainment Venue (SEV) premises under the Local Government Miscellaneous Provisions Act 1982 compared to 1 in 2021/22.
36. Table 3 below illustrates the total number of sub committees.

Table 3: Total number of Licensing Sub Committee hearings organised	2021/22	2022/23
New Premises Licence	26	23
Variation of a Premises Licence	4	17
New Personal Licence	0	1
New Gambling Premises Licence	1	0
Review Applications	0	2*
Renewal of SEV licence	1	0

Total	32	43
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37. 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	2021/22	2022/23
Granted/Agreed	3	9
Agreed in part	13	8
Refused	9	9
Disposed / Adjourned*	7	17
Total	32	43

38. As shown in table 3 above, the licensing service received 1 review application in 2022/23, compared to 0 in 2021/22. * 2 sub-committee hearings were organised for the review as 1 hearing was adjourned.
39. 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

40. 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.
41. There was one appeal lodged against the decisions of the licensing sub-committee in 2022/23 compared to 2 in 2021/22. A full report on all current appeals and appeals heard in 2022/23 can be seen at Appendix 2.

Finance Management

42. 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 2022/2023

43. Table 5 below outlines the income received by the service for the period 2022/2023:

Table 5: Income generated	2021/2022	2022/2023
Annual fees	£268,527	£256,120
Application fees	£108,025	£61,901
Covid 19 Fixed Penalty Notices	£3,333	£0
Pre-Application advice fees	£1,321	£2,445
Total Income	£381,206	£320,466

44. The licensing team's income from application fees decreased by 43% in 2022/23 whilst there has been a small increase in the total number of applications received in 2022/23. The application fees under the Licensing Act 2003 are set by statute and cannot be amended by local authorities.

Pre-application advice

45. 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 2022/23 this generated £2,446 in income.

Table 6: Licensing Pre-Application Advice	2021/22	2022/23
Small	7	0
Medium	5	8
Large	0	3
Extra-large events	1	0
Total	13	11

46. 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.
47. The team will continue to promote the pre-application advice service in 2023/24 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

48. Debt management is a priority for the service. The total overdue debt as of 31 March 2023 was £17,200, compared to £9,900 as of 31 March 2022. The number of suspension letters issued in 2022/23 was significantly higher than the previous year as the number of overdue licence fees was higher. The team carried out debt recovery calls and visits to licensees in order to support businesses and be compassionate to their needs when carrying out debt recovery.
49. 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 2022/23 there were 127 suspension letters issued by the team and consequently 28 licences are currently suspended.

50. Officers provided advice and arranged 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.	Table 7: Suspensions of premises licences		Suspension letters sent	
	2021/22		72	
	2022/23		127	

Inspection and Enforcement

51. The enforcement team investigates a wide range of complaints from numerous sources, such as residents, councillors, businesses, internal departments or external authorities and government departments. Additionally, officers are actively involved in working with the police following violent incidents or disorder in or in the immediate vicinity of a licensed premises. This partnership working has been highly effective in tackling crime and disorder in and around licensed premises. This collaborative approach to enforcement is well highlighted in a fortnightly Licensing Action Group meeting (LAG) which all responsible authorities, 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

52. Table 8 below details the enforcement action taken during the 2022/23 period:

Table 8: Inspection and Enforcement	Output	Total 2022/23
Complaints received	Number of complaints received by the enforcement team	630
Warning letters issued	Number of warning letters issued for breaches of licence	97
Licensing visits/ inspections	Number of visits/ inspections to a premises including checking for compliance, monitoring and test purchases	205
Risk Assessments	Number of full risk assessments undertaken at a premises	88
Advice Given	Number of occurrences where advice has been by enforcement officers including to businesses and residents	564
Number of meetings	Number of meetings with businesses, multi-agency meetings, and residents meetings.	135

53. Table 8 above illustrates that during 2022/23 the team received 630 complaints. 97 warning letters were issued. The preference is to enforce through advice and mutual agreement, where possible and the team actively work with businesses and individuals to advise on and assist with compliance.
54. The team have also taken part in numerous other proactive operations and initiatives throughout the year, some of which are highlighted below:

Shepherds Bush and Hammersmith Broadway Street Drinking visits

Working with colleagues in the LET and Community Safety officers have carried out targeted enforcement visits to any off licenced premises which are known to be frequented by street drinkers. These premises have been given advice and guidance on how to prevent alcohol sales to alcohol dependant individuals. On some occasions

conditions have been added to licences by way of a minor variation to ensure that high strength / low cost beers and ciders are not sold at these premises.

Welfare and Vulnerability Training (WAVE) / Ask for Angela engagement

People who feel unsafe, vulnerable or threatened can discreetly seek help by approaching venue staff and asking them for 'Angela'. This code-phrase will indicate to staff that they require help with their situation and a trained member of staff will then look to support and assist them. In an effort to promote this scheme all licensed premises were written to at the end of 2022 asking them to ensure that they were displaying Ask for Angela posters and that their customer facing staff had attended WAVE (Welfare and Vulnerability Engagement) training. They were also asked to sign up to the Women's Night Safety Charter, and use a night safety toolkit to help up skill their staff.

Ask for Angela test purchase operation – 4th March 2023

Following on from our correspondence with licensed premises a joint operation with officers from across regulatory services was arranged to visit licensed premises in all of our three town centres. Test purchase visits to 42 premises in the borough took place with officers posing as vulnerable individuals and 'Asking for Angela' to check the reaction of each venue. Advice was offered to each of the premises visited, irrespective of passing or failing the test purchase. 18 premises were considered to have failed the test purchase and had little or no knowledge of the scheme. All these premises were written to with guidance and information on how to comply.

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 on progressing actions from a safety of woman at night tracker. This tracker originated from recommendations made by a third party consultant when a series of night audits took place in the borough. Although the recommendations primarily focus on the safety of women at night, they also more broadly concern improving the borough's night-time economy. Some of the ongoing actions include the following:

- Engaging with partners at TFL by proposing a number of actions and initiatives to help improve the safety of the transport network for women and vulnerable adults later in the evening.
- Working with the Mayor of London's office, and other third party consultants, to understand the requirements for introducing a Night Strategy in the borough which encompasses our three town centres.
- Engaging with the Security Industry Authority (SIA) to see if door supervisor training can be improved to consider women's safety / vulnerability management especially where drink spiking allegations are made.

- Working with Westminster Council to understand if a version of their 'Night Stars' scheme (where volunteers provide advice and support to anyone using the night-time economy) could be created for the borough.

Service Improvements

55. Data integrity is a continuous project within the team, we have continued to review and improve the recording and management of application and licence data held on the department's licensing database (Uniform) and document management system.
56. 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.
57. We are continuing a review of the information published on our website to ensure it is kept up to date.
58. The team are working with the digital services team and other business departments to ensure that data integrity is maintained upon migration to a new case management system.
59. 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

60. 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

61. 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.
62. 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.
63. 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

64. 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

65. 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.
66. Any SGP may last for a maximum of three years and can be reviewed and revised by the relevant authority at any time during that period. The Council's SGP was reviewed last year, as it took effect in January 2019 and was due to expire in January 2022.
67. The revised SGP 2022 - 2025 was approved at a Full Council meeting in January 2022.

Sex Establishment Policy

68. 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.
69. Whilst there is no legal requirement to renew our policy, it is our intention to update the policy in 2023/24 so it also considers the welfare of the individuals involved in the sex industry, as well as protecting residents who live in close proximity to such venues.

Enforcement Policy

70. 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

71. 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)

72. The key priorities for the Licensing Team in 2023/24, while promoting the four licensing objectives are as follows:
- a. Help to support the revival of the night-time economy and nightlife in our town centres by introducing a night-time strategy which focuses on our three town centres.
 - b. To undertake a further night surgery in the borough in conjunction with the Mayor's office and the GLA, to better understand the changing landscape of businesses operating later in the evening.
 - 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. Draft and introduce a revised and updated Sex Establishment policy which 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.
 - e. 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.
 - f. 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.
 - g. Respond to public complaints, councillor complaints and other requests for service and investigate within service standards.
 - h. 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.

- i. 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.
- j. 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.
- k. 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.
- l. 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.
- m. To continue to improve our online application service for businesses and to reduce paper within the service.
- n. 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.
- o. 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.
- p. Partnership working with the Police and other agencies such as Barnardos to carry out further Child Sexual Exploitation (CSE) visits at licensed premises.
- q. Reduce the number of incomplete licences issued and continuous service improvement work on the licensing database.
- r. To work with the digital services team and other business departments to ensure data integrity is maintained upon migration to a new case management system.
- s. 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

73. 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.
74. 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.
75. Our enforcement policy contributes towards the corporate priorities of the Council and open and transparent decision making.
76. 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

77. 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 2023

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.

Procurement

Not Applicable

Consultation

Not Applicable

List of Appendices:

Appendix 1 - Details of Licensing Sub-Committee hearings

Appendix 2 - Details of Appeals

Appendix 3 – Details of complex cases