

London Borough of Hammersmith & Fulham

Report to: Licensing Committee

Date: 3rd June 2025

Subject: Annual Licensing Committee Report April 2024 to March 2025

Report author: Adrian Overton (Licensing Team Manager)

Responsible Director: Bram Kainth, Executive Director for Place

Summary

This report provides a summary of the work and performance of the licensing service for the period between 1st April 2024 and 31st March 2025 and includes the following:

- a) Staffing, team performance and work activity in 2024/25.
- b) A financial summary of the team's income and debt.
- c) An update on the team's enforcement activity in 2024/25.
- 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 2024 - 2025 licensing sub committees (*in Appendix 1 attached to this report*)
- g) Details of complex cases (*in Appendix 2 attached to this report*).

Exempt: Appendix 2 is not for publication on the basis that it contains information relating to the financial or business affairs of a particular person (including the authority holding that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.
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 are capable of working from home when appropriate. This has improved efficiency and 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 way of working has many positive attributes, whilst still ensuring face to face contact when appropriate..

Financial Impact

For 2024/25 the total net spend for the Licencing Unit was £281,348 (£619,223 expenditure less £337,875 income). The service ended the year with a net overspend of £4,747 compared to budget (1.7% of total net budget).

The main cause of overspend was an income underachievement from licensing activities, although income achieved was more than that generated in 2022/23 (£337,875 in 2024/25 compared to £320,000 in 2022/23). Income for 2023/24 was unusually high (£363,000) due to a higher than usual number of applications relating to one major site.

In 2024/25 there were also a number of premises surrendering licences and some premises closing completely. This has also had a negative impact on income for the year. This will continue to be closely monitored and reported in 2025/26.

Implications provided by: Trina Tali-Zekaj, Principal Accountant (Planning & Property), 21st May 2025.

Reviewed by: Kellie Gooch, Head of Finance (Place), 22 May 2024

Legal Implications

The Council, as Licensing Authority, is required by law to comply with its statutory duties in accordance with the following legislations 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. It should comprise of not less than 10 and not more than 15 councillors.

The Licensing Sub-Committee appointed by the Licensing Committee to discharges the Council's licensing 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.

An applicant making an application under the Licensing Act 2003 or Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, and any other party who has made a representation, is entitled to appeal a decision of the Licensing Sub-Committee provided they apply to the Magistrates' Court within 21 days of the full licensing decision being issued. Such an appeal takes the form of a complete rehearing of the case, where new witnesses can be called. A Magistrate's Court has the power to grant or dismiss the appeal or to remit the case back to the Licensing Sub-Committee for reconsideration.

Under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, the holder of a SEV is further permitted to appeal to the Crown Court within 21 days of a Magistrates' decision.

Part 3 of the Constitution grants delegated authority to the Executive Director of Place to exercise all licensing functions and other matters an officer is empowered to discharge under the Licensing Act 2003 and the Gambling Act 2005 or any related regulations.

Implications verified by Mrinalini Rajaratnam, Chief Solicitor (Planning, Property, Licensing and Highways) 22nd May 2025

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, vibrant and enjoyable nighttime 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, is now part of the wider Place directorate.

Team performance, work activity and key achievements in 2024/25

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 1,141 licensed premises (this includes alcohol, gambling, sex establishments and scrap metal premises) and has granted 4,190 authorisations for personal licence holders under the Licensing Act 2003. Tables 1 – 9 below illustrate the Licensing Authority's performance during 2024/25 across all areas of work. Data from 2023/24 has been included for comparison purposes.

Licensing Applications

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

Table 1: Licence/authorisation type	No. of applications received	
	2023/24	2024/25
New premises licence/ certificate applications	75	69
Provisional statements	18	12
New personal licence applications	177	126
Premises licence/ certificate full variation applications	31	22
Premises licence/ certificate minor variation applications	46	27
Designated premises supervisor (DPS) variations applications	194	172
Transfers of premises licences applications	84	62
Notification of change of name and/or address, lost licence, DPS removals, interested party notification and condition extensions	160	140
Temporary event notices (TENs), Late temporary event notices.	689	639
Total number of applications processed by the team	1474	1269

8. Overall, in 2024/25, the service dealt with a total of 1,269 applications/notifications under the Licensing Act 2003, compared to 1,474 in 2023/24. This is a decrease of 14%.

9. In 2024/25 there were less Temporary Event Notices (TENs) submitted - 639 in 2024/25 compared to 689 in 2023/24. This represents a relatively small percentage drop of 7%.

Gambling Act 2005

10. 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.
11. 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.

Reduction in Gambling Premises

Table 2 below details the current number and type of gambling premises in the borough. It also outlines the number of new applications received in 2024/25.

Table 2: Types of gambling premises	Total		New Applications
	2023/24	2024/25	2024/25
Adult Gaming Centres	3	3	1
Betting Shops/ Track Betting	24	20	1
Bingo	3	4	1
Total	30	27	3

12. The data in table 2 shows that when compared to 2023/24 the number of Adult Gaming Centres has remained static, whilst the number of Betting Shops / Track Betting premises has reduced. There has been a slight increase in the number of Bingo premises in the borough. In addition to the above there are currently 121 active permits and small society lottery authorisations in effect.

Licensing Sub Committee Hearings

13. 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 to either alter the terms and conditions of a licence, or to revoke the licence in place.
14. In 2024/25 a total of 39 licensing sub-committee hearings were arranged, this is a slight decrease of 15% compared to 46 for 2023/24. A breakdown of the hearings for 23/24 and 24/25 is provided below.

15. The majority of the hearings which took place were held to consider applications made under the Licensing Act 2003. One hearing has been arranged to consider the renewal of a Sexual Entertainment Venue (SEV) premises under the Local Government Miscellaneous Provisions Act 1982. A full list of details of the licensing sub-committee hearings organised can be seen at Appendix 1.
16. Table 3 below illustrates the total number of sub committees.

Table 3: Total number of Licensing Sub Committee hearings organised	2023/24	2024/25
New Premises Licence	30	30
Variation of a Premises Licence	14	5
New Personal Licence	0	0
Review Applications	1	3
Renewal of SEV licence	1	1
Total	46	39

17. As outlined in table three above, the service has seen an increase in the number of review applications, from 1 in 2023/24 to 3 in 2024/35. Two of these applications were made by the Police Licensing Team, and the other was made by the Licensing Authority.
18. 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	2023/24	2024/25
Granted/Agreed	17	28
Agreed in part	11	5
Refused	7	3
Disposed / Adjourned*	11	2
Total	46	39

19. Table 4 includes the number of cases where a sub-committee hearing was convened but was disposed/ adjourned. The licensing service dealt with numerous other cases which 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

20. Appeals against the decision of the Licensing Sub-Committee can be brought by a number of parties involved in the application and licensing process, for example, this might be the applicant; responsible authorities and other persons who have objected; or a licence holder in the case of reviews.

21. 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.
22. There were 2 appeals lodged against the decisions of the licensing sub-committee in 2024/25, the same figure as 2023/24. Both of these appeals were withdrawn before a preliminary hearing was held, and as such both sides agreed to bear their own costs.

Financial Summary

23. Financial management is a very important 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 2024/2025

24. Table 5 below outlines the income received by the service for the period 2024/25:

Table 5: Income generated	2023/24	2024/25
Annual fees	£278,779	£266,314
Application fees	£80,870	£69,332
Pre-Application advice fees	£3,811	£2,229
Total Income	£363,460	£337,875

25. The application fees under the Licensing Act 2003 are set by statute and cannot be amended by local authorities. Table 5 above shows that the licensing team's income from application fees decreased by 14% in 2024/25. Income from pre-application advice fees also decreased by 41%. However, it should be noted that officers regularly offer advice and guidance to help small businesses make valid applications outside of the pre application process.

Pre-application advice

26. 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 2024/25 this generated £2229 in income.

Table 6: Licensing Pre-Application Advice	2023/24	2024/25
Small	1	1
Medium	2	1
Large	5	2
Extra-large events	1	0
Total	9	4

27. 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.
28. The team is looking at creative ways of further promoting our pre-application advice service, with a particular aim to support and encourage local businesses. For example, in an effort to try and support new businesses starting out in the borough the team offers free pre application advice.

Debt Management

29. Debt management is a priority for the service. In 2024/25 the total overdue debt increased by 30%. On the 31st March 2025 the total overdue debt was £20,895, compared to £16,000 as of 31st March 2024. The team continuously monitors debt, and takes a stepped approach to recover fees.
30. 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 at risk of being suspended. Importantly, officers 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.
31. In 2024/25 there were 133 suspension notices issued by the team and consequently 31 licences are currently suspended.

Table 7: Suspensions of premises licences	Licences Suspended
2023/24	234
2024/25	133

Enforcement Activity

32. 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.

33. 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

34. Table 8 below details the enforcement action taken during the 2024/25 period:

Table 8: Inspection and Enforcement	Output	Total 2024/25
Complaints received	Number of complaints received by the enforcement team	246
Warning letters issued	Number of warning letters issued for breaches of licence	56
Licensing visits/ inspections	Number of visits/ inspections to a premises including checking for compliance, monitoring and test purchases	158
Risk Assessments	Number of full risk assessments undertaken at a premises	212
Number of meetings	Number of meetings with businesses, multi-agency meetings, and residents meetings.	51

35. Table 8 above illustrates that during 2024/25 the team received 246 complaints. It also shows that 56 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.

36. The team have been involved with a number of high profile and complex enforcement cases over the last year. These have been outlined in detail in Appendix 2.

Licensing Review

37. An overall review of the licensing service is being progressed to ensure it works in conjunction with our other emerging initiatives to increase the attraction and vibrancy of our town centres in particular. This includes helping to facilitate initiatives such as our emerging nighttime economy strategy so we can be even more pro-active and supportive to local businesses. The review includes some of the following key objectives:
- Review of the current Statement of Licensing Policy (as outlined in paragraph 48 of this report), to include later proposed hours for some businesses located in town centres and mixed residential areas.
 - Review of our website advice and guidance so it is as encouraging and supportive as possible and promotes our approach to the nighttime economy.
 - Develop 'red-carpet' one stop shop approach to help introduce businesses to all relevant Council services.
 - Benchmarking; continue engagement with other business friendly boroughs to share best practice.
 - The Licencing Action Group; review existing practices to ensure the new business friendly approach is embedded.
 - Pre application advice; improved promotion of our pre application advice service via our website, interactions with businesses, and any other correspondence with existing licence holders.
 - Data analysis; determine reasons for refusal or partial grants of licences.
 - Enforcement service; ensure there is robust and resourced approach to support new licensing culture.
 - Pro-active; invite planning applications to extend hours in appropriate cases.
 - Assist in finalising and publishing our Nighttime Strategy.
38. The team continue to work on a new NEC case management system, ensuring 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).
39. 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.

40. We are continuing a review of the information published on our website to ensure it is kept up to date.
41. We have reviewed our procedures when publishing representations to applications on our website. We have taken external legal advice on this matter, and personal details and other sensitive information is redacted/ removed.

Policy Update

42. 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

43. 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.
44. 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.
45. 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 the next 5-year review would normally be just before July 2027, however, we are bringing this review forward. 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

46. 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.
47. As part of the current review of our licensing service, key areas of action are still being developed and finalised but they are likely to include the following:
 - An overall review of the policy to ensure its alignment with Upstream London and the Nighttime Economy Strategy objectives.

- Review of terminal hours – reviewing the terminal hours for licensed premises, especially in town centre areas and other mixed use areas.

48. This review is in its early stages but we are aiming to start a consultation in the near future and approve a new policy at a Full Council meeting in October 2025 as outlined below:

Proposed timeline for new Licensing Policy	
TBC	6-week consultation
TBC	SLT
TBC	Annual Licensing Committee
15 th September 2025	Political Cabinet
13 th October 2025	Cabinet
22 nd October 2025	Full Council

Statement of Gambling Policy

49. 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.
50. In April 2024 we started a review of our SGP to take a more restrictive approach to applications for new premises or extensions to existing ones. We were aware of concerns from Councillors, residents and responsible authorities that gambling premises were often located in areas deprivation, vulnerability, and also crime and disorder. It was also clear that gambling premises were often in close proximity to each other, with clustering of these types of premises being evident on King Street, North End Road and parts of Shepherd's Bush.
51. We adopted our new Gambling Policy in January 2025. The evidence base underpinning our more restrictive approach was rooted in the use of a new Local Area Profile – LAP (essentially the evidence base of any SGP) which contained information on the following points:
- Location and density of gambling premises,
 - Areas of high deprivation and vulnerability in the borough,
 - Crime and ASB hot spots,
 - Crime analysis in gambling premises,
 - Drugs and alcohol – information on residents attending A&E for an alcohol or drug related condition.
 - Data on the locations of schools, health centres and children's centres.
52. The first draft of the LAP was produced in July 2024, and a number of amendments were made to it up until a final version was produced in September 2024. The LAP

showed that there was a clustering of gambling premises in areas of overlapping deprivation, vulnerability, crime and ASB. The BI team independently provided their own commentary on the data which stated: *'Most licensed gambling premises are in areas of higher crime and ASB'*

53. The final amendments to the LAP identified 5 new gambling vulnerability zones, and 3 cumulative impact areas using information on the location of gambling premises. Within these new policy areas we proposed that there should be a presumption to refuse any new gambling applications.
54. A proposal was also made to reduce the terminal hour for Adult Gaming Centres to 10pm (previously 11pm). Any premises wishing to operate after this time would be asked to provide a robust risk assessment, and also commit to employing more than one member of staff after 10pm. A requirement to employ door supervisors at any premises where alcohol is sold, or which operates beyond 11pm, was also strengthened by reducing the time to 10pm.
55. It was suggested that the borough's 'no casino' was maintained, but that the wording should be altered slightly to make it clear that this decision will be reviewed every three years, and that it can be withdrawn at any time.
56. Other changes were also proposed to reflect the latest version of the Gambling Commission's Guidance document and the Commission's Codes of Practice. We also simplified some of the wording to make it clearer, removed some specific references to extracts from the Guidance, updated dates and links to various websites and updated contact details.
57. A five-week consultation on these proposals began on the 21 October 2024 and closed on the 24 November 2024. 14 survey responses were received in the consultation period. 57% of respondents were in agreement with our proposal to refuse any new licences for adult gaming centres, betting shops or bingo premises in gambling vulnerability zones. Additionally, 43% of respondents thought that the proposed policy did not go far enough to promote the protection of children and vulnerable people gambling objective.
58. The Police also made comments during the consultation period and explained that they were supportive of the proposal to introduce Gambling Vulnerability Zones / Cumulative impact areas in the borough. They were also in favour of the suggestion to reduce the terminal hour for Adult Gaming Centres, explaining that there was a concern with the association of these premises with ASB and crime in the Shepherd's Bush and North End Road areas in particular
59. 7 separate responses were received from solicitors / individuals representing the gambling industry. All of these respondents explained that they felt the current proposal to refuse any AGC, Bingo or Betting Shop premises within a Cumulative Impact Area or Gambling Vulnerability Zone was unlawful. Two of the seven written responses also raised concerns with a proposal to reduce the terminal hour for AGC and Bingo premises to 22:00 (from 23:00).

60. Separate external legal advice was sought on all of the written responses made during the consultation period. As a result of this advice a decision was made to alter the wording of Section 6.9 of the policy as outlined below:

Consultation Version:

6.9 Within Gambling Vulnerability Zones and the three Cumulative Impact Areas, there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises.

Revised Version:

*6.9 Within Gambling Vulnerability Zones and the three Cumulative Impact Areas there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises, **except in exceptional circumstances.***

61. The new policy was approved at Full Council meeting on the 22nd January 2025. In March 2025 a judicial review of the policy was applied for by two gambling trade bodies: The Bingo Association and the BACTA (the amusement and gaming association). As a result of this challenge, we have now appointed a leading licensing barrister to represent the Council. We have submitted the Council's summary grounds of resistance/defence to the judicial review challenge and are awaiting the decision of the Court on whether this matter should proceed to a full hearing or the claim be dismissed. We should hear from the Court within a couple of months. If permission is granted to proceed to a full hearing it will take a several months before the matter is determined by the Courts.

Sex Establishment Policy

62. 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.
63. Whilst there is no legal requirement to renew our policy, it is our intention to review the policy in 2025/26 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

64. 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

65. 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)

66. The key priorities for the Licensing Team in 2023/24, while promoting the four licensing objectives are as follows:
- a. To carry out an overall review of the licensing service to ensure it has a business-friendly focus.
 - b. To review the Council's Statement of Licensing Policy (SLP) to improve its alignment with Upstream London and the Nighttime Economy Strategy objectives, and to introduce new proposed hours.
 - c. To revise our Gambling Local Area Profile (LAP) by adding additional public health data.
 - d. To finalise the introduction of a new Nighttime Strategy for the borough which focuses on our three town centres.
 - e. Encourage well-managed late licences in non-residential areas by promoting and advertising our pre application service so that restaurants and cafes can benefit a vibrant nighttime economy.
 - f. 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.
 - g. 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.
 - h. 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.
 - i. 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.

- j. Respond to public complaints, councillor complaints and other requests for service and investigate within service standards.
- k. 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.
- l. 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.
- m. 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).
- n. 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.
- o. 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 optimising revenue streams.
- p. To continue to improve our online application service for businesses and to reduce paper within the service.
- q. 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.
- r. 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.
- s. Partnership working with the Police and other agencies such as Barnardos to carry out further Child Sexual Exploitation (CSE) visits at licensed premises.
- t. Reduce the number of incomplete licences issued and continuous service improvement work on the licensing database.

- u. 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.
- v. 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

- 67. 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.
- 68. Enhanced monitoring of our enforcement actions, to better inform future equalities impact assessments, will be carried out on to help us improve service delivery. Our enforcement policy has been reviewed, updated and strengthened to outline our commitment to equality for all and our intended actions to achieve this goal and follow good practice.
- 69. This has been achieved in part by monitoring our enforcement actions from an equalities perspective to ensure that we are proportionately visiting diverse businesses.
- 70. Our enforcement policy contributes towards the corporate priorities of the Council and open and transparent decision making.
- 71. 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

- 72. 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.

Jules Binney, Risk and Assurance Manager, 19th May 2025

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 complex cases