
Licensing Service

Annual Report 2016/17

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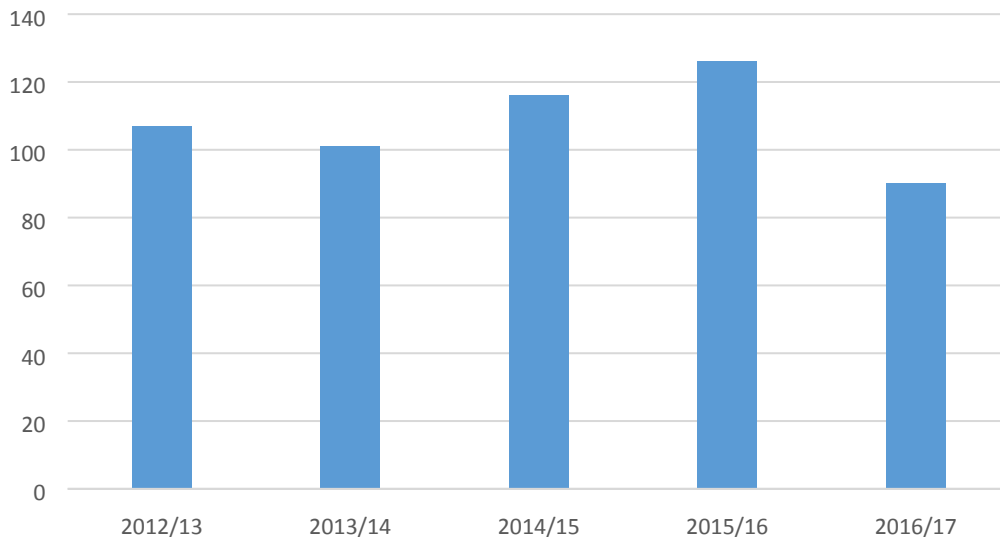
1. Introduction

- 1.1 The purpose of this document is to report on the activities and performance of the Service during the 2016/17 municipal year and to show aims and targets for the forthcoming year. The Licensing Service has been preparing an annual report to the Licensing Committee since 2009.
- 1.2 Responsibility for discharging many of the Council's licensing functions and the enforcement of licensing legislation lies with the Licensing Service. The Service is also responsible for the development and review of alcohol and entertainment licensing, gambling and sex establishment policies as well as providing guidance and assistance on the various licensing, registration and permitting processes.
- 1.3 Officers conduct pro-active inspections of licensed premises to ensure compliance with authorisations and advise businesses of their responsibilities. The enforcement functions involve investigations into complaints of alleged unauthorised activity as well as targeted night visits in order to witness and resolve allegations. Formal enforcement actions are taken when merited.
- 1.4 Officers also fulfil the responsible authority role on behalf of the Licensing Authority as defined under the Licensing Act 2003 and the Gambling Act 2005. This entails reviewing new and variation applications and considering making representations in line with the Council's Licensing Policy.

2. Licensing Act 2003

Premises licences granted

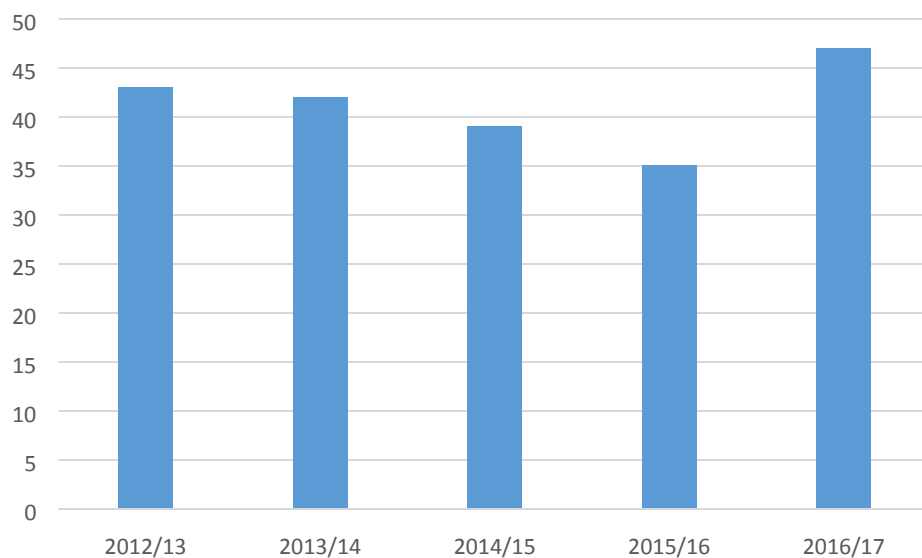
- 2.1 A premises licence authorises a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of late night refreshment, under the Licensing Act 2003.



1. Premises licences issued

- 2.2 Fig. 1 highlights the numbers of new licences granted. The number of new licences granted fell by 28% compared to the previous year. Statistically the trend had been upwards over the last five years.

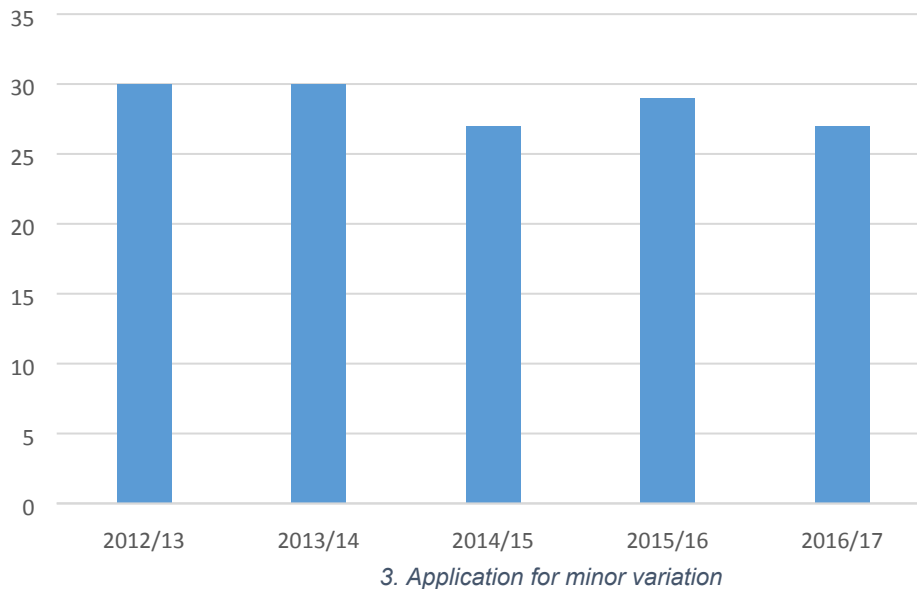
Variations of existing premises licences/certificates



2. Variations of existing premises licences/certificates

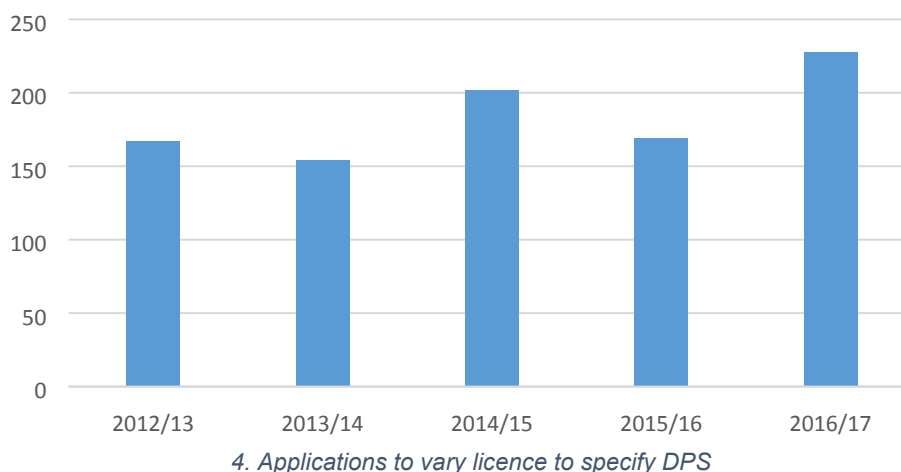
2.3 Fig. 2 highlights that the number of full variations of licences/certificates increased when compared with the previous year after peaking in 2012/13.

Minor variations



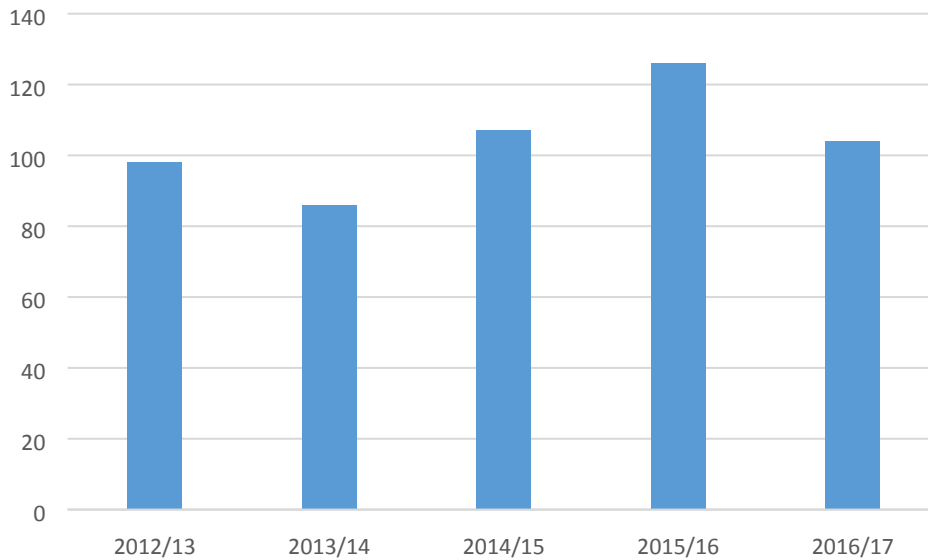
2.4 The number of minor variation applications remains relatively stable as can be seen from the performance. The 2016/17 figure is down on the previous year but consistent with the historic average.

Variations to specify an individual as DPS



2.5 Where a premises licences authorises the supply of alcohol, there is a requirement for a personal licence holder to be nominated as the designated premises supervisor. The Service generally receives a notable number of these each year. The figure received in 2016/17 was up 35% to 228 from 169 received in the previous year. However, the overall trend is that these are increasing which would reflect the increase in the overall number of licences in effect.

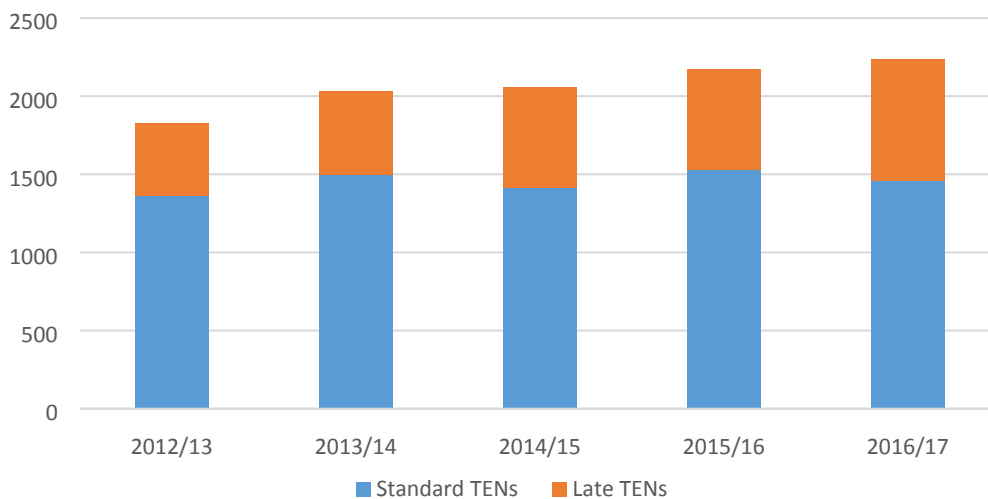
Transfer of premises licences



5. Transfers of premises licences

- 2.6 The number of licences being transferred between operators has risen consistently over the last three years. This may be as a result of a net increase in the overall number of licences.

Temporary Event Notices (TENs)



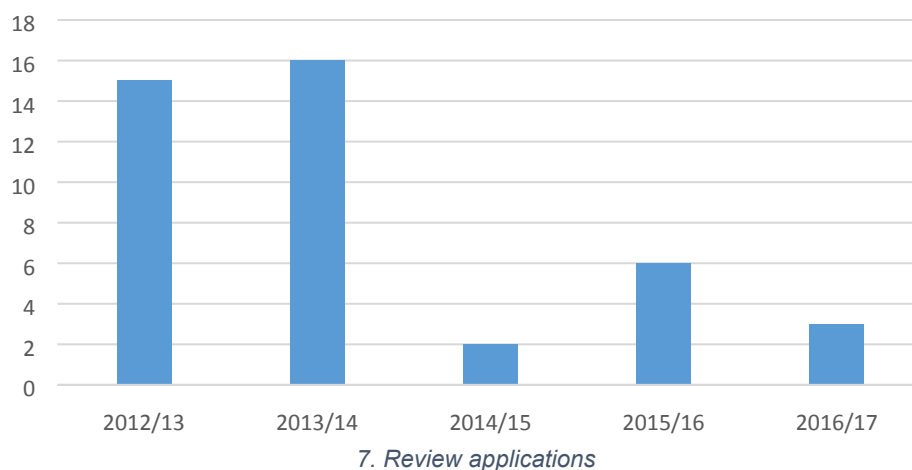
■ Standard TENs ■ Late TENs

6. Temporary Event Notices

- 2.7 The overall number of TENs received increased from the previous year. Standard TENs fell 1% to 1446. However, the number of late TENs received climbed 20% to 777. This is despite the Home Office guidance suggesting late TENs are to “assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice...”

- 2.8 It should also be noted that on 1 January 2016 the limit for the amount of TENs that can be given in respect of a premises in a calendar year rose from 12 to 15. This may, therefore, have an impact on the figures this year.
- 2.9 Also notable is the impact of late TENs. On 25 April 2012 it became possible for a person to give a late TEN. This has resulted in well over 500 additional TENs in each of the last 5 years, which has had an impact on resources for the Licensing, Environmental Protection and Police Licensing teams.

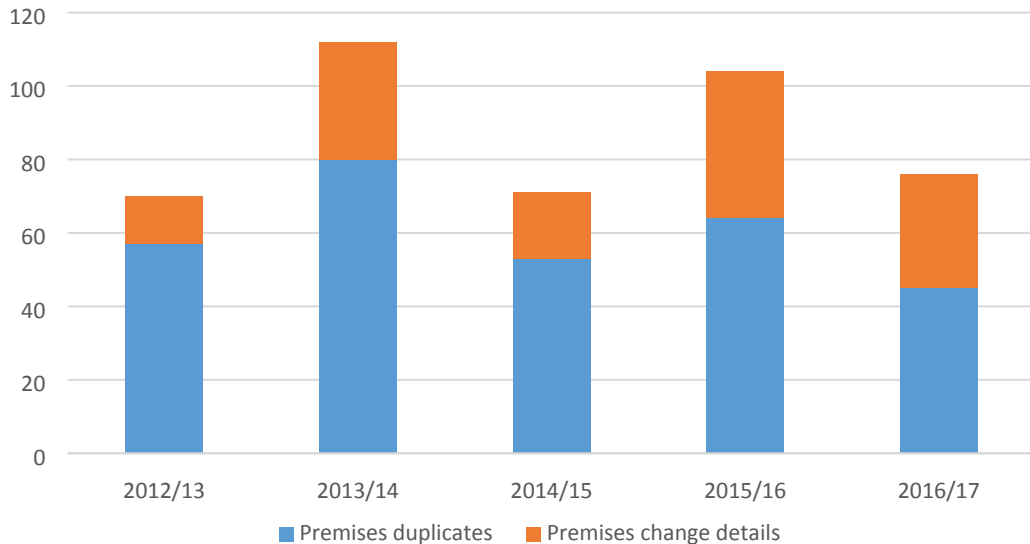
Reviews of premises licence/club premises certificates



- 2.10 The Service received three review applications last year. However, the figures remain some way below historic averages.

Premises Licences – Requests for Duplicates

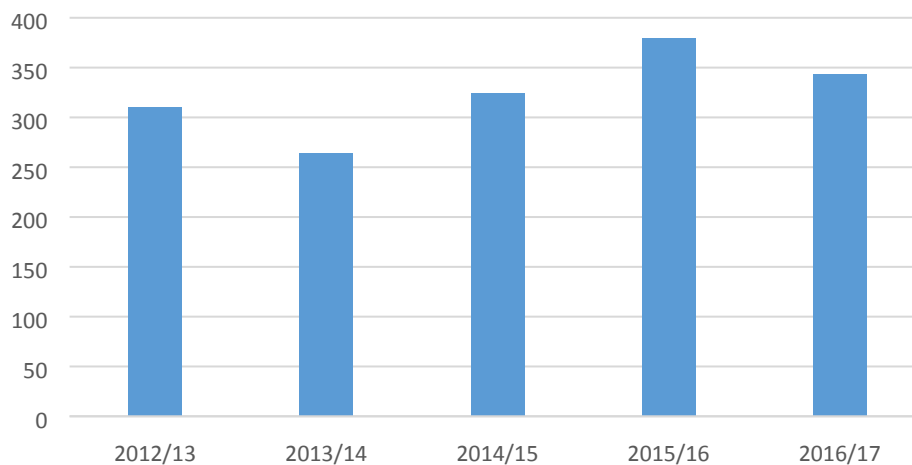
2.10 The Service has experienced demand due to requests for duplicate documents. This is primarily a desktop administrative process involving the reprint of the two-part licence. And although the numbers being requested are significant, they appear to fluctuate year-on-year.



8. Duplicate premises licences

2.11 Fig. 7 above illustrates that around two thirds of requests are for lost licences. However, the proportion of requests for changes to details, such as the licensee changing a registered address, accounted for around 2 fifths of the demand last year.

Personal licences

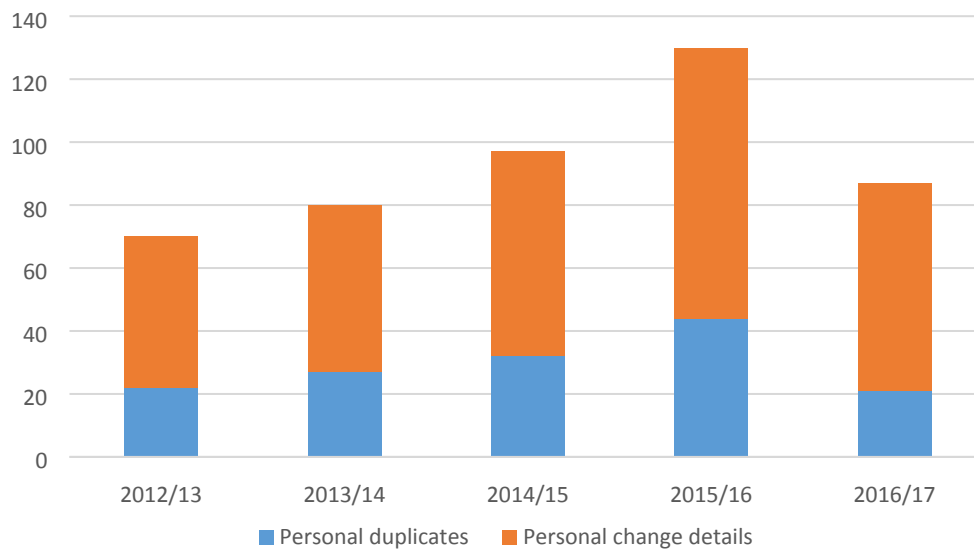


9. Personal licences issued

2.12 Grants of new personal licences fell 9% last year to 343, following three consecutive years of growth as illustrated above. The Council has granted over 3400 personal licences since the commencement of the Licensing Act 2003.

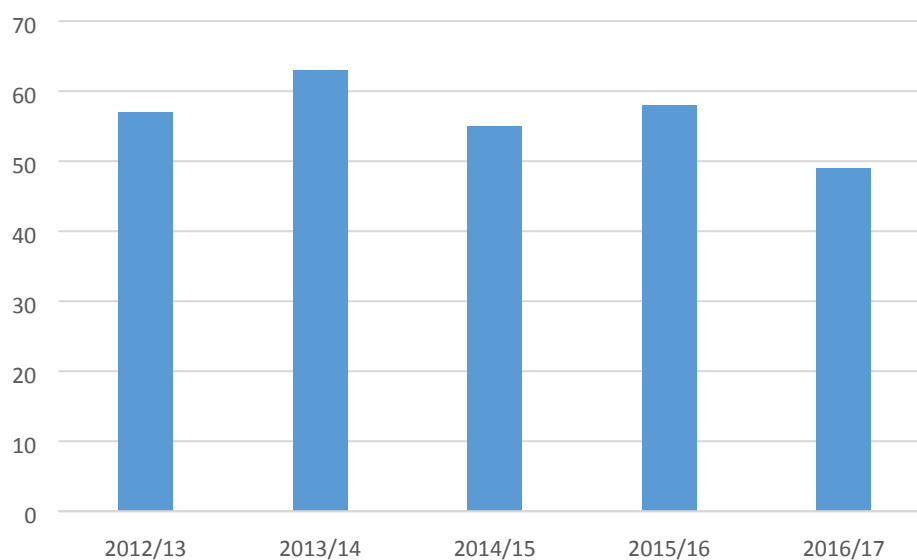
Personal licences – Requests for Duplicates

2.13 Similar to premises licences, the Service receives requests for personal licences to be reprinted. Again this is a desktop administrative process. The number received fell 41% on the previous year.



10. Personal licence duplicates

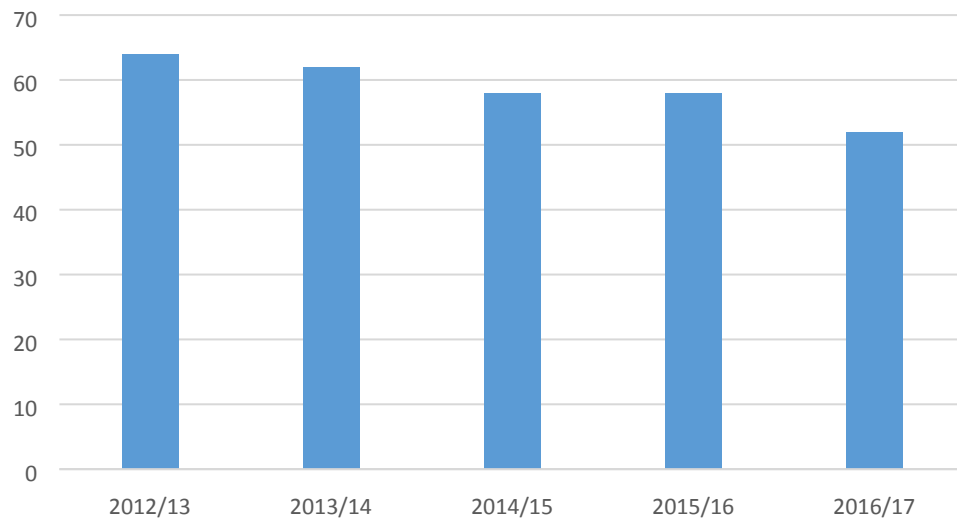
Licensing Sub-Committee



11. Licensing Sub-Committee

2.14 Licensing Sub-Committees sat on less than 50 occasions for the first time which reflects the overall drop in the number of new licences issued.

3. Gambling Act 2005

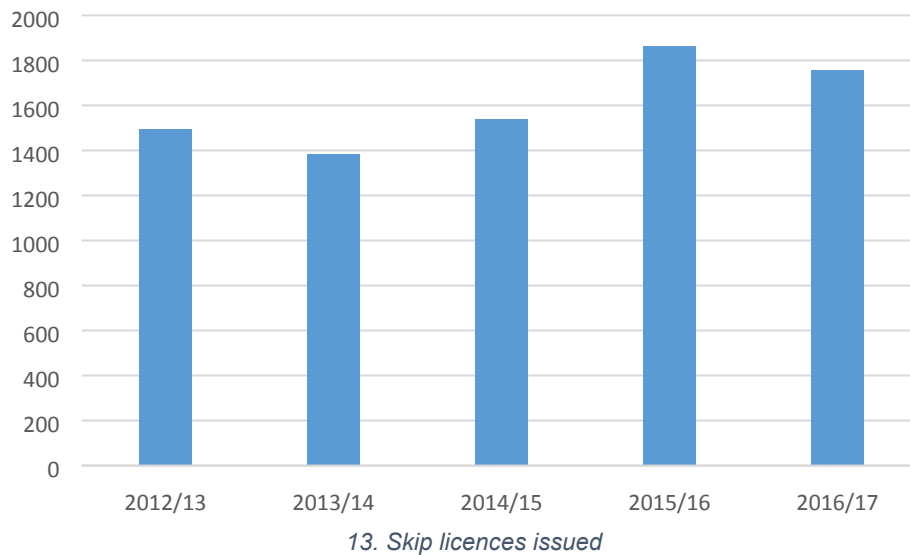


12. Betting (other than track) licences renewed.

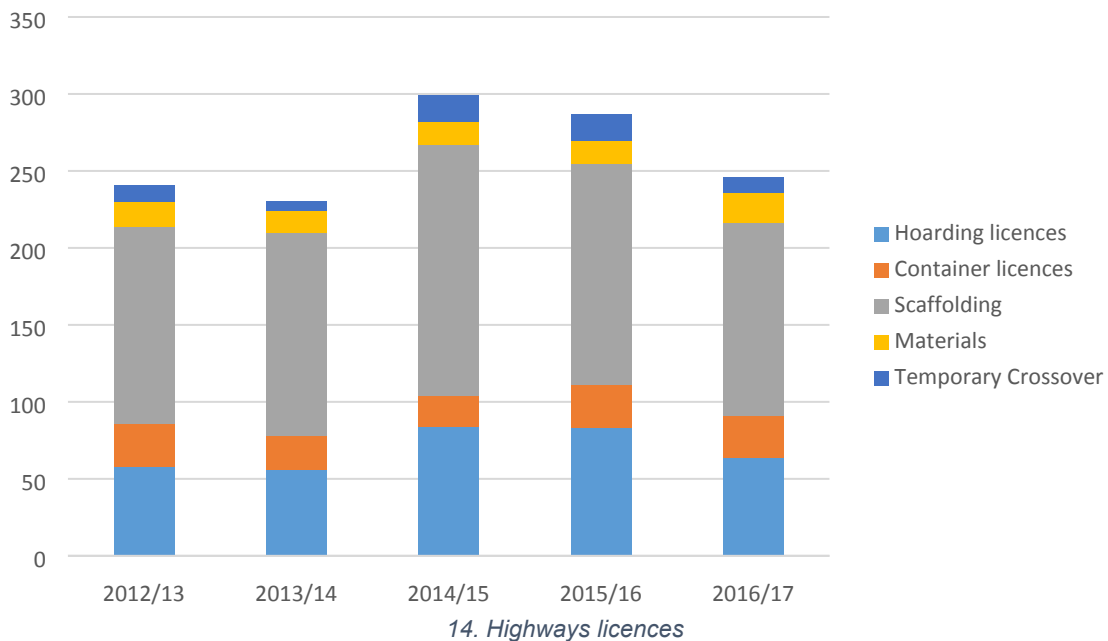
- 3.1 The number of betting licences fell further to 52, which is consistent with recent years. Also notable was a closure of one of the three remaining adult gaming centres (AGCs) in the Borough. The number remaining is now half the figure that was in place when the Council took over the responsibility of gambling licensing in 2007.

4. Highways Act 1980

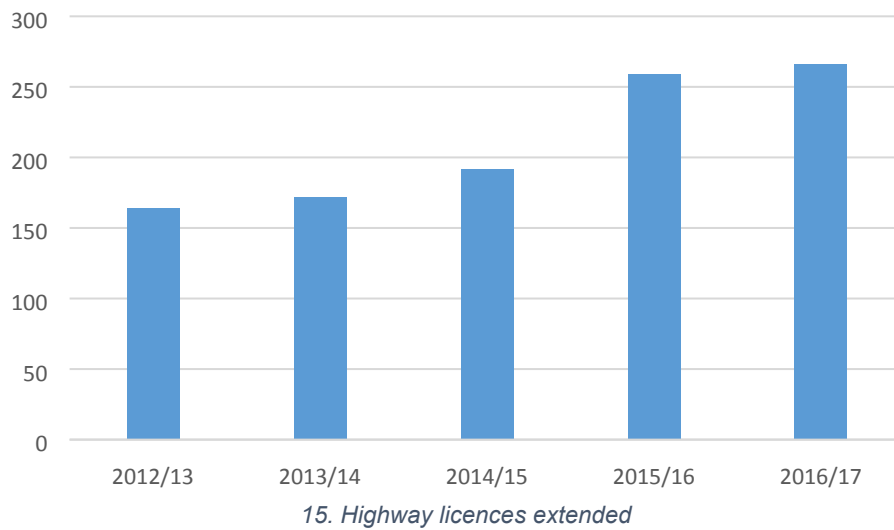
4.1 Whilst the Licensing Act 2003 tends to be the highest profile of the functions carried out by the Licensing Service, the Highways Act 1980 functions accounted for the most volume in terms of overall numbers received. It should be noted that the administration of highways functions transferred to Streetscene on 1 February 2017 as part of the Cross-Cutting Enforcement Review.



4.2 The number of skip licences issued continued on an upward trend, with 1759 were issued up to the end of January 2016, up 15% on the same period in the previous year.

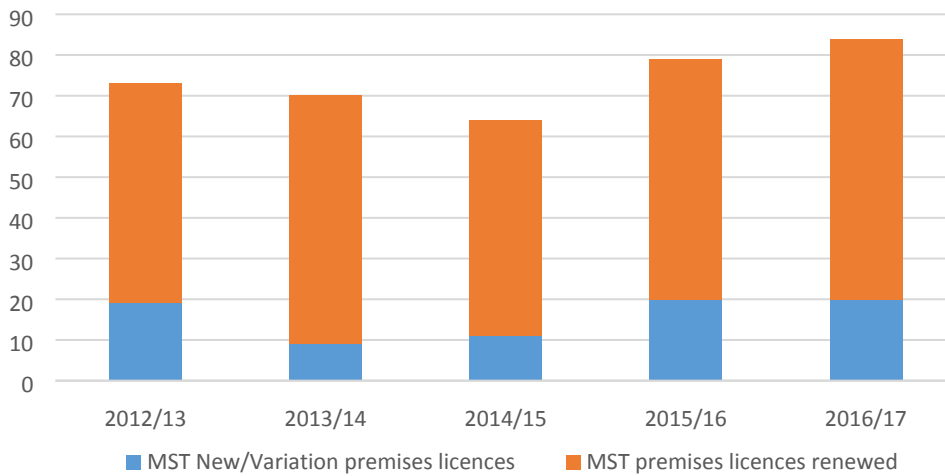


4.3 The overall number of the other types of highway licences fell on the figure processed in the previous year. Licences to erect scaffolding accounted for the largest proportion of the licence types, ahead of licences for hoarding.



4.4 The number of highways licences extended continued on an upward trajectory. There were 26% more licences extended last year compared to the previous year. This was due in part to efficiencies achieved as a result of the EQUIS programme.

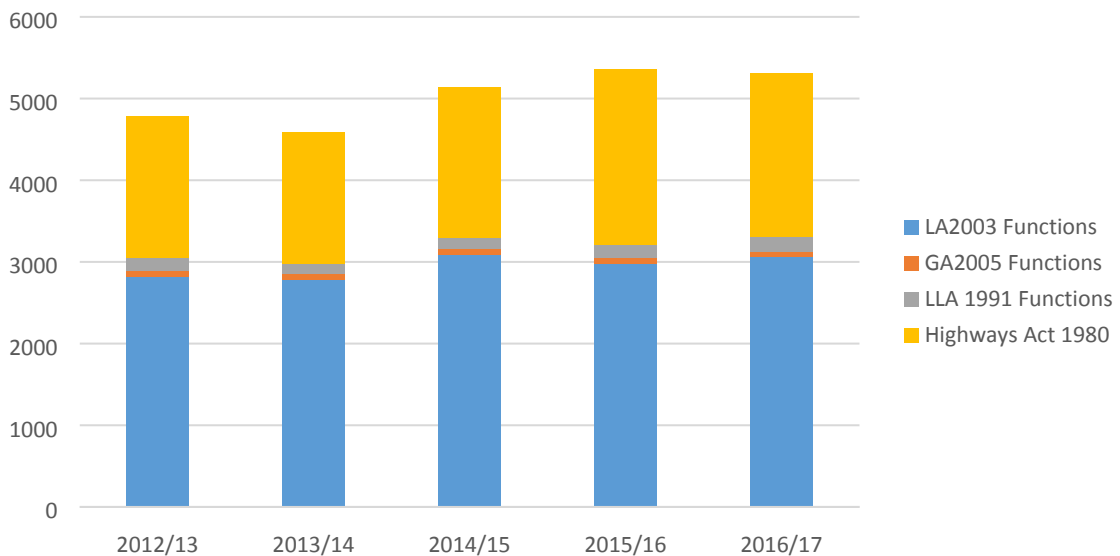
5. Massage and Special Treatments (MST) Licences



16. Massage and Special Treatment licences

- 5.1 The majority of MST premises licences comprise of applications to renew licences issued in previous years. The overall number of premises is currently 84 which is the highest net figure in the last five years.

6. Summary of key activities



17. Key activity types

- 6.1 When key intervention types across functions are grouped, it can be seen from Fig. 16 above that the amount of correspondence being received by the Service remains stable.
- 6.2 The Highways Act 1980 functions accounted for a large proportion of the demand, however this function is no longer the responsibility of the Licensing Service so will no longer be a feature of annual reports.

8. Look back / Projects

The table below sets out the projects planned by the Service last year.

Objectives	What we will do	Purpose	Current Status
Substantive consultation ahead of a review of Statement of Licensing Policy	<ul style="list-style-type: none"> • Produce timescales and scoping prior to consultation. • Produce draft document and supportive documentation for consultation. • Consultation with key stakeholders and prepare report for Licensing Committee 	<p>To set out the principles applied when considering applications under the Licensing Act 2003 whilst promoting the 4 licensing objectives.</p> <p>To manage the growth of the vibrant night time economy.</p> <p>To support a safe and vibrant night time economy and growth of the hospitality sector.</p> <p>To manage the impact of anti-social behaviour and nuisance.</p> <p>To reduce negative impacts of alcohol on health, wellbeing and quality of life for consumers and residents.</p>	Evidence collation completed Cost benefit and Behaviour Audit commissioned.
Consult on introduction of the Late Night Levy to provide additional policing of the night time economy.	<ul style="list-style-type: none"> • Review of scheme and powers taking into account and exploring lessons learnt and best practice from the levies in Islington, Camden and Newcastle. • Report on consultation on Levy to the Council • Collaborative working with Community Safety, other external agencies, local authorities and local businesses and communities. 	<p>To support a safe and vibrant night time/hospitality economy.</p> <p>To support the work of the Community Safety service to reduce crime, anti-social behaviour and other nuisance.</p>	Consultation commenced February 2017. Council will introduce levy from 1 November 2017.
Licensing regulation and Licensing as a Responsible Authority	Undertake a programme of risk-based inspections of premises and in respect of individuals to ensure compliance with	<p>To provide effective administration on all licensing applications.</p> <p>To minimise negative</p>	Ongoing compliance activity

Objectives	What we will do	Purpose	Current Status
	<p>licensing legislation and undertake appropriate enforcement action as necessary. Deliver effective enforcement action against those contravening licensing requirements:</p> <ul style="list-style-type: none"> • Joint inspection/ interventions with other services respect of betting shops including test purchasing. • Fulfilling Responsible Authority Role and working with other Responsible Authorities at Licensing Operations Enforcement Group (LOEG) • Review and respond to consultations, and make representations where necessary. • Respond to allegations of unauthorised activities and similar licensing related issues • Provide businesses with advice and assistance. 	<p>impact such as such as nuisance, crime/ disorder and anti-social behaviour. To minimise public safety issues arising from licensed events and premises in the Borough.</p> <p>To explore delivery of a training programme for applicants.</p> <p>To maintain high levels of customer satisfaction amongst residents and businesses with regard to the undertaking of the role</p>	
<p>To minimise public safety issues arising from licensed events and premises in the Borough</p>	<ul style="list-style-type: none"> - Review and respond to consultations, including making of representations where necessary - Participation in Queen Elizabeth Olympic Park (QEOP) Licensing, Planning, Operational and safety group, HEAT (Hackney Event Action Team) process and/or other relevant Safety Advisory Groups. - Prioritise and monitoring of large 	<p>To maintain high levels of customer satisfaction amongst residents and businesses.</p> <p>To ensure Licensing Act, Health & Safety and Food Safety Laws are fulfilled in relation to outdoor events</p>	<p>Ongoing compliance activity as well as regular liaison with QEOP Safety Advisory Group and HEAT</p>

Objectives	What we will do	Purpose	Current Status
	scale events		
Explore implementation of pre-application and fast-track licence scheme	<ul style="list-style-type: none"> • Benchmark and review best practice of schemes offered by other Authorities. • Work with Finance to establish costings. • Develop delegated powers report. • Introduce and advertise service. 	<p>To secure additional revenue for the Council</p> <p>To ensure the Council is not subsidising businesses.</p> <p>To work towards cost neutrality by 2020.</p>	Fees schedule developed however, scheme not yet introduced.
Review Massage and Special Treatment Functions (including development of tattoo hygiene rating scheme)	<ul style="list-style-type: none"> - Review current procedures and processes - Benchmark with other authorities - Delegated powers report/report to the Licensing Committee. - Revised arrangements in place 	<p>To ensure function is fit for purpose</p> <p>To ensure efficient working practices.</p>	Initial benchmarking carried out, function review ongoing. Low response rate from trade when consulted on introduction of Tattoo and Hygiene Rating Scheme

9. Planned Activity for 2017/18

Objectives	What we will do	Purpose
Publish revised Statement of Licensing Policy	<ul style="list-style-type: none"> • Consultation with key stakeholders and prepare report for Licensing Committee • Full Council decision by February 2018 • Policy effect March 2018. 	<p>To set out the principles applied when considering applications under the Licensing Act 2003 whilst promoting the 4 licensing objectives.</p> <p>To manage the growth of the vibrant night time economy.</p> <p>To support a safe, diverse and vibrant night time economy and growth of the hospitality sector.</p> <p>To manage the impact of anti-social behaviour and nuisance.</p> <p>To reduce negative impacts of alcohol on health, wellbeing and quality of life for consumers and residents.</p>
Introduce the Late Night Levy from 1 November.	<ul style="list-style-type: none"> • Collaborative working with MOPAC, Community Safety, other external agencies, local authorities and local businesses and communities. • Monitor collection and effectiveness 	<p>To support a safe and vibrant night time/hospitality economy.</p> <p>To support the work of the Community Safety service to reduce crime, anti-social behaviour and other nuisance.</p>
Introduce pre-application advice scheme	<ul style="list-style-type: none"> • Develop delegated powers report. • Introduce and advertise service. 	<p>To secure additional revenue for the Council</p> <p>To ensure the Council is not subsidising businesses.</p> <p>To work towards cost neutrality by 2020.</p>
Review Massage and Special Treatment Functions	<ul style="list-style-type: none"> - Review current procedures and processes - Benchmark with other authorities - Delegated powers report/report to the Licensing Committee. - Revised arrangements in place 	<p>To ensure function up-to-date and aligned with other function types</p> <p>To find efficiencies and rationalise working practices.</p>

Objectives	What we will do	Purpose
Begin review of Statement of Principals under the Gambling Act 2005	<ul style="list-style-type: none"> - Review local area profile and policy requirements - Prepare for consultation with key stakeholders and prepare report for Licensing Committee - Full Council decision by October 2018 - Statement effective from January 2019. 	<p>To set out the principles applied when considering applications under the Gambling Act 2005 whilst promoting the 3 licensing objectives.</p> <p>To identify and highlight any negative impacts on vulnerable adults, children, health, wellbeing and quality of life for residents.</p>

APPENDIX

Licensing Service – Summary table

Activity	12/13	13/14	14/15	15/16	16/17	% change from previous year
New premises licences granted	107	101	116	126	90	▼29%
Variation of existing premises licence granted	43	42	39	35	47	▲34%
Minor variation premises licences issued	30	30	27	29	27	▼7%
Transfers of premises licences processed	98	86	107	126	104	▼17%
Variations of licence to specify individual as DPS processed	167	154	202	169	228	▲35%
Standard TENS	1494	1412	1531	1462	1446	▼1%
Late TENS	465	537	642	645	777	▲20%
Reviews of premises licences	15	16	2	6	3	▼50%
Premises licences – Duplicates following theft/loss	57	80	53	64	45	▼30%
Premises licences – Changes of details	13	32	18	40	31	▼23%
New personal licences issued	310	264	324	379	343	▼9%
Personal licence – duplicates following theft/loss	22	27	32	44	21	▼52%

Activity	12/13	13/14	14/15	15/16	16/17	% change from previous year
Personal licence – change of details	48	53	65	86	66	▼23%
Premises licences revoked	2	1	1	1	1	● 0%
Premises licences surrendered	8	8	16	7	12	▲71%
Licensing Sub-committee hearings	57	63	55	58	49	▼16%
Licensing appeals	2	4	7	6	2	▼67%
New Sex Establishment premises licences Issued	0	0	0	0	0	● 0%
Sex Establishment premises licences renewed	5	5	5	5	4	▼20%
Betting shop premises licences renewed	64	62	58	58	52	▼10%
Bingo premises licences	1	1	1	0	0	● 0%
Adult Gaming Centres	4	3	3	3	2	▼33%
Gambling premises licences issued	1	1	1	0	0	● 0%
Lotteries registered	6	6	7	8	4	▼50%
Notification of gaming permits issued	10	3	2	4	4	● 0%
MST New/variation premises licences	19	9	11	20	20	● 0%
MST Premises licences renewed	54	61	53	59	64	▲8%

Activity	12/13	13/14	14/15	15/16	16/17	% change from previous year
Transfer of MST premises licences	4	4	3	2	2	● 0%
MST Practitioner licences	92	51	79	91	93	▲ 2%
Skip licences (April 2016 – January 2017)	1496	1386	1538	1864	1759	N/A
Hoarding licences (April 2016 – January 2017)	58	56	84	83	64	N/A
Container licences (April 2016 – January 2017)	28	22	20	28	27	N/A
Scaffolding licences (April 2016 – January 2017)	128	132	163	144	125	N/A
Materials licences (April 2016 – January 2017)	16	14	15	15	20	N/A
Temp. crossover licences (April 2016 – January 2017)	11	6	17	17	10	N/A
Licences extended (April 2016 – January 2017)	164	172	192	259	266	N/A
Total highways licences issued	241	230	299	287	246	N/A
Deposits refunded (April 2016 – January 2017)	134	179	188	152	85	N/A
Explosives registration	15	18	15	6	8	▲ 33%

Licensing Statistics – Enforcement Activity

	12/13	13/14	14/15	15/16	16/17	% Change from previous year	Comments
Daytime inspections of Premises	583	593	691	837	281	▼ 66%	Fall on previous years' number due to enforcement staff numbers as a result of unforeseen circumstances. Priority given to reactive work and investigation of complaints.
Highways inspections	N/A	386	476	450	500	▲ 11%	Highways Act 1980 licence inspections reflects increase in number of applications and refund requests until the function transferred in January.
Night time inspections of premises	532	520	346	248	338	▲ 36%	Prioritised over daytime inspections in due to enforcement staff shortage. Night time work predominantly reactive/investigation of complaints.
Night Visits carried out	29	29	28	28	27	▼ 4%	Slight fall due to staffing levels however, individual inspection numbers rose.
Formal Actions	25	12	31	17	0	▼ 100%	Decrease mainly due to less cautions and emphasis on closure notices for serious licence infringements such as no CCTV or no DPS.
a) Prosecution	0	0	0	0	0	● 0%	Graduated enforcement is undertaken in line with the enforcement policy.
b) Caution	12	4	9	1	0	▼ 100%	No cautions given in FY 2016/17
c) Closure Notice	13	8	22	16	0	▼ 100%	No closure notices were issued in FY 2016/17.
Proactive (internal) service requests	298	282	260	289	224	▼ 22%	Service requests fell by a fifth on the previous year. These request are raised to inspect premises or view site notices or referrals from other service areas.
Reactive (Public) complaints	193	223	210	170	181	▲ 6%	Slight increase in the number of complaints received from the public.

Licensing Operational Enforcement Group (LOEG) Meetings	25	17	17	16	15	▼ 6%	Remains a useful forum for targeting action in relation to problem premises. Met on one less occasion than the previous year.
Warning / Advice letters sent out	103	19	37	71	45	▼ 37%	General advice warning letters including annual fee warnings. Down approximately a third on previous year.
Representations on Licensing Act 2003 applications	12	101	141	169	108	▼ 36%	Low staff numbers have resulted in officers prioritising representations to where application has a policy implication. Have also worked most closely with other Responsible Authorities to avoid duplication of matters raised in representations.

Mayor's Manifesto Commitments

Licensing Enforcement will continue to investigate complaints in line with the following agreed targets for response and investigations and report on performance quarterly

	12/13	13/14	14/15	15/16	16/17	Comments	16/17 targets
Respond to all licensing complaints within 2 working days	97%	100%	100%	100%	100%	Target achieved	95%
First Visit [7 Working Days]	94%	99%	95%	97%	97%	Target achieved	95%
First Update [20 Working Days]	100%	98%	100%	100%	99%	Target achieved	95%
Second Visit [28 Working Days]	94%	96%	90%	96%	90%	Target achieved	95%
Final Update / Resolution [40 Working Days]	100%	98%	100%	100%	97%	Target achieved	95%

Review applications

2012/13					
AP	E1	Trading Standards	Review	11/04/2012	Withdrawn following agreement to modify conditions
AQ	N1	Other Persons	Review	24/04/2012	Conditions modified
AR	N4	Trading Standards	Review	15/06/2012	Conditions modified
AS	N1	Pollution	Review	20/06/2012	Withdrawn
AT	N16	Police	Review	15/08/2012	Revoked
AU	E8	Police	Expedited Review	24/09/2012	Conditions modified

AV	N16	Police	Expedited Review	07/11/2012	Conditions modified
AW	N16	Trading Standards	Review	28/11/2012	Withdrawn following agreement to modify conditions
AX	N16	Police	Review	28/11/2012	Revoked
AY	E9	Police	Review	03/12/2012	Conditions modified
AZ	E9	Police	Review	18/12/2012	Suspended for 3 months
BA	E8	Police	Review	08/01/2013	Conditions modified
BB	N16	Police	Review	08/01/2013	Conditions modified
BC	N16	Police	Review	10/01/2013	Conditions modified
BD	E2	Police	Expedited Review	05/02/2013	Conditions modified, following transfer of licence
2013/14					
BE	N1	Police	Review	09/05/2013	Conditions modified
BF	N1	Other Persons	Review	23/05/2013	Conditions modified
BG	EC2A	Other Persons	Review	05/06/2013	Conditions modified
BH	EC2A	Police	Expedited Review	14/06/2013	Conditions modified, following transfer of licence
BI	N16	Other Persons	Review	28/06/2013	Conditions modified
BJ	E8	Police	Review	03/07/2013	Hours/conditions modified
BK	N16	Other Persons	Review	11/07/2013	Application withdrawn
BL	N16	Other Persons	Review	11/07/2013	Conditions modified, following transfer of licence
BM	E8	Police	Review	26/07/2013	Conditions modified
BN	E8	Other Persons	Review	23/08/2013	Conditions modified
BO	N16	Police	Expedited Review	19/11/2013	Conditions modified
BP	N16	Trading Standards	Review	26/11/2013	Application withdrawn
BQ	E8	Police	Expedited Review	06/12/2013	Licence suspended for 3 months, or until Police satisfied
BR	N16	Police	Review	19/12/2013	Licence suspended for 1 month, or until Police/LFB satisfied
BS	N16	Police	Review	20/12/2013	Licence Surrendered
BT	E8	Police	Review	25/02/2014	Revoked
2014/15					

BV	E8	Police	Expedited Review	14/07/2014	Revoked
BW	E8	Police	Review	16/02/2014	Conditions modified
2015/16					
BX	EC1V	Police	Review	08/05/2015	Hours/conditions modified
BY	E1	Licensing Authority	Review	12/06/2015	Revoked
BZ	EC1V	Police	Review	14/07/2015	Hours/conditions modified
CA	EC2A	Police	Review	05/11/2015	Conditions modified
CB	E1	Police	Review	05/11/2015	Conditions modified
CD	EC2A	Police	Review	05/11/2015	Conditions modified
CE	EC2A	Police	Review	05/11/2015	Conditions modified
2016/17					
CF	N1	Police	Review	12/04/2016	Conditions modified
CG	E2	Police	Review	27/04/2016	Licence revoked
CH	E9	Police	Review	29/04/2016	Licence surrendered before hearing took place
CI	N4	Trading Standards	Review	21/07/2016	Licence suspended, conditions modified