

## PART A

**Report to:** Licensing Committee (Licensing Act 2003)  
**Date of meeting:** 16 January 2019  
**Report of:** Head of Community & Environmental Services  
**Title:** Licensing Act 2003 Annual Report for 2018

### 1.0 **Summary**

1.1 The council is responsible under the Licensing Act 2003, which came into force on 24 November 2005, for licensing the sale of alcohol and provision of regulated entertainment and late night refreshment within the borough. This is the twelfth annual report on the operation of the Act.

1.2 For the first time in a number of years, there are noted decreases in figures including issued licences, applications, and even temporary event notices. However, there are a number of factors to consider alongside these figures and they should not be considered on their own. It is noted that new developments such as the Intu expansion have been completed and are set to prosper as well as that the town centre was once again awarded the Purple Flag in 2018.

### 2.0 **Risks**

2.1 There are no risks associated with this report; it is for information only.

### 3.0 **Recommendations**

3.1 That the Licensing Committee notes the report.

#### **Contact Officer:**

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#### **Report approved by:**

**Justine Hoy, Head of Environmental Health and Licensing**

## 4.0 Introduction

- 4.1 Under the Licensing Act 2003, Watford Borough Council has responsibility for licensing alcohol, regulated entertainment and late night refreshment. This encompasses the determination, grant, administration and enforcement of premises licences, club premises certificates, personal licences and temporary event notices to authorise those activities to take place.
- 4.2 The Act requires the licensing authority to produce a statement of licensing policy in consultation with specified stakeholders, with the current policy coming into force on 20 November 2018. Any decisions in relation to the Act must be in furtherance of the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The licensing authority is required to have regard to statutory guidance issued by the Secretary of State in the exercise of its functions.
- 4.3 There were 335 licensed premises (including 19 qualifying clubs) licensed under the Act as of 31 December 2018. This is a decrease of 1 licence from 2017.
- 4.4 According to the last published national statistics<sup>1</sup> there were 212,800 licensed premises (an increase of 1100 from March 2017) which was a 1% increase, and 14,100 club premises certificates (a decrease of 200) which was a 1% decrease.
- 4.5 When studying the figures for Watford, it can be seen that the total number of licensed premises has decreased, which appears to be contrary to the national trend, although not a significant loss of premises. It is also noted that we have not lost any club premises certificates which bucks the national trend.
- 4.6 However, officers must advise that these national figures are based upon national returns from licensing authorities until 31 March 2018, and it is not yet known what the national trend is for the period from March 2018 until present day.
- 4.7 In 2018 there were 6 hearings scheduled, of which 5 were withdrawn (vacated).

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Scheduled hearings	26	10	12	12	10	6
Vacated hearings	7	1	5	7	6	5

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<sup>1</sup> <https://www.gov.uk/government/statistics/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2018>

- 4.8 Of these hearings, the Police submitted representations against one application (compared to three in 2017 and 2016, and eight in 2015). This application was later withdrawn in light of the Police representations. Residents submitted representations against five applications (compared to four in 2017, six in 2016 and nine in 2015). One representation was submitted by a local business. No representations were received from any councillor or responsible authority, including the licensing authority, which resulted in a hearing being arranged.
- 4.9 Although the licensing authority and other responsible authorities submitted no representations that resulted in a hearing, officers have been involved in successful mediation discussions with applicants meaning that officers concerns were addressed without the need for a sub-committee.
- 4.10 There is a continuing trend of hearings being vacated, only one of the 6 scheduled took place. Even when a hearing does proceed, officers continue to encourage mediation and discussion right up until the hearing itself. The reducing number of hearings should be seen as a continuing positive reflection of the success and strength of the current Statement of Licensing Policy and officers' skills in negotiating agreed applications consistent with the aspirations for the borough and its residents as stated in the Licensing Policy.
- 4.11 21 new licences were applied for in 2018 (compared to 23 in 2017, 26 in 2016 and 27 in 2015) in respect of:

<p><i>Alcohol on-sales and other licensable activities (11 applications in 2017)</i></p>	<p>48-50 High Street (withdrawn) Cassiobury Park Hub (withdrawn) Turtle Bay, 19-21 The Parade, High Street The Florist, 65-67 High Street Watling Street Beer, Greycaine Road William Shakespeare Bistro, 162 High Street Cote, 53-55 High Street Debenhams, Unit 300 intu Watford MOD Pizza, High Street Cineworld, Unit 317 intu Watford Everett Rovers FC, Dodd Road Veeno, intu Watford</p>
<p><i>Alcohol off-sales (8 applications in 2017)</i></p>	<p>Lidl, Lower High Street Tharu Convenience Store, 97 Eastbury Road 164 Whippendell Road (withdrawn) Asiasmart, 9 The Parade</p>

	Home Sense, Dalton Way Il Gusto, intu Watford Wawel Polski Sklep, 271-273 St Albans Road Ferhat Food Centre, 68-70 Market Street
<i>Late-night refreshment only (2 applications in 2017)</i>	McDonald's, Asda Supercentre, St Albans Road
<i>Regulated entertainment only (no applications in 2017)</i>	No applications
<i>Club premises certificates (2 applications in 2017)</i>	No applications

At the time of writing, one application is still in consultation

#### 4.12 Licence Variations

The table below sets out the number of licence variations received, both for minor variations and for full licence variations.

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Full variations	8	22	6	10	4	3
Minor variations	29	10	19	6	13	16

4.13 The vast majority of minor variations this year were for amendments to plans only (12 applications). Of the other minor variation applications, one was to amend the licence plan and change a condition on their licence, one was with regards to an annual event which needed to change the date of the event, and the others all amended conditions on their licences. No minor variations were refused, although at the time of writing one is still in consultation.

Two of the full variation applications were with regards to increasing the licensed area of the respective licences, and the other application was to extend licensed hours. The two applications to increase the licensed area were not opposed, and at the time of writing, the application to extend licensed hours is still in consultation.

#### 4.14 Changes to Licences

The table below sets out the number of licence transfers, changes of designated premises supervisors (DPS), and interim authorities received up to 31 December 2018. No formal objections were lodged by the police to any transfer or change of DPS.

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>

Licence transfer	24	23	30	29	23	20
Variation to designated premises supervisor	78	50	59	57	49	69
Interim authority notices	0	1	0	0	0	0

#### 4.15 Surrendered Licences

The table below shows the number of surrendered licences up to 31 December 2018:

2013	2014	2015	2016	2017	2018
8	5*	10*	6*	10*	15*

\* new licences were also applied for in lieu of some of those that were surrendered

4.16 There were 14 premises licences and one club premises certificate surrendered in 2018. This is the highest number of licences surrendered in one year since the annual reporting started. However, it is also noted that the number of issued licences keep growing, and officers will keep these figures under review to watch for any trends. Of those licences which were surrendered, one premises did obtain a new licence under a new owner, but this licence has also now been surrendered. Of the other premises, one of the surrendered licences was effectively made redundant when the licence holder obtained a new licence, and so was surrendered without impacting upon the business. One licence was surrendered that was used for an outdoor event for one year only. Two licences were for units within the new Intu development that were taken up by different operators. Two licences were held by one premises that was sold and is in line for development into housing. Another licence was held by a premises that had been demolished as part The Brow redevelopment, but was finally surrendered this year. Three premises are currently being used for non-licensable purposes, and the final four premises are currently empty.

4.17 There were also four premises licences which lapsed in 2018 – three were off-licences, and one was a late night takeaway, but all lapsed because the licence holders were companies and the companies were dissolved. Two premises subsequently applied for new licences.

#### 4.18 Appeals

There have been no appeals lodged in relation to an application under the Licensing Act 2003 in 2018.

#### 4.19 Temporary Event Notices

The chart below indicates the number of temporary event notices (TENs) received each year by the council. The current total shows TENs received by 31 December 2018. No TENs were required to go to a hearing because of representations.

<b>Year</b>	<b>Number of TENs Received</b>
2013	281
2014	325
2015	323
2016	342
2017	352
2018	284

4.20 The majority of TENs continue to be given in respect of premises that are already licensed, but unlike the last two years, the gap between licensed premises and non-licensed premises has widened, with only 68 TENs being given by community premises (this was 113 in 2017, and 100 in 2016) but more than the number given in 2015 (which was only 50).

4.21 The most popular months for TENs remain those with bank holidays (such as May and August) to be used as extensions to existing licences, with December being the most popular month. 17 notices were rejected as being invalid (compared to 12 in 2017 and 20 in 2016) and 8 were withdrawn (compared to 6 in 2017, and 9 in 2016). Three were withdrawn and replaced by other TENs. Two TENs were withdrawn following discussions with the Police. The other TENs were withdrawn because they were no longer needed.

#### 4.22 Personal licences

The table below shows the numbers of personal licences issued since 2013. There were no applications referred to the Licensing Sub-Committee owing to police representations during the year.

<b>Year</b>	<b>Number of personal licences</b>
2013	85
2014	66
2015	69
2016	79
2017	64
2018	69

4.23 As far as officers are aware, none of the personal licences issued by the licensing authority have been revoked by the courts following convictions for a relevant offence. The licensing authority has not been notified of any offences which have

required it to use its power to suspend or revoke a personal licence

#### 4.24 **Statement of licensing policy**

The table below sets out applications for new and varied premises licences within the town centre covered by the council's cumulative impact policy, known as policy LP3 Creating a Family-Friendly Town Centre

	Applications	Hearings not required	Applications where cumulative impact policy did not apply <sup>2</sup>	Appeals against sub-committee's decisions
<b>2013</b>	4	3	3	0
<b>2014</b>	3	0	3	0
<b>2015</b>	20	11	4	2
<b>2016</b>	17	13	15	0
<b>2017</b>	12	10	4	0
<b>2018</b>	11	10	2	0

4.25 Please note that one application was submitted and then later withdrawn, which is why the number of applications that did not require a hearing is less than the number of applications.

4.26 According to Government figures, as of 31 March 2018 (the latest available) there were 222 cumulative impact areas in England and Wales. Members will be aware that cumulative impact areas have now been awarded legal status, and officers expect that this total number will be subject to change while other authorities review their policies. In terms of Watford, the review of our cumulative impact policy will follow the outcome and publication of the Town Centre vision, which we expect to be published later this year.

#### 4.27 Sensitive Licensing Areas

The three Sensitive Licensing Areas were introduced in 2011 to recognise community concerns about particular pockets of licensed premises. In 2018, three new licence applications were received in the sensitive licensing areas (two in St Albans Road, and one in Whippendell Road), but no variation applications were received. With regards to the new applications, one was withdrawn following representations from the Police, and one was granted after agreeing conditions with the Police and Environmental Health which do aim to address the concerns as laid out in this policy. The third application is still in consultation at the time of writing.

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<sup>2</sup> This is because either alcohol sales were not the principal activity or where the application was not intended to extend the hours beyond the suggested hours under policy LP2.

#### 4.28 Compliance and Enforcement

The council's Business Compliance Officer, Community Safety Co-Ordinator, Environmental Health Officers, Police (including Special Constables) and Trading Standards have continued to work proactively and reactively to ensure compliance with licensing legislation. The town centre was once again awarded the Purple Flag in 2018, indicating that it operates a safe and diverse night-time economy.

4.29 In a change to previous years, instead of providing statistics on complaints, which could not be compared to other authorities, officers will now provide details of compliance and enforcement actions of note and importance, and will feed back on whether there are any concerns over our policies in relation to those actions.

4.30 Officers can advise that we still receive only a small number of complaints against licensed premises. Actions of note this year include the following:

- Two premises were found to be selling alcohol without a licence. These premises had previously had licences, but these had lapsed when the companies that held the licences had been dissolved. Officers visited these premises and advised them of the situation and that they had to stop selling alcohol and remove it from display, and have been monitoring them since this time. Officers then gave advice on how to resume trading under TENs and how to obtain a new premises licence. At the time of writing, these applications are still in consultation.
- An operation by Trading Standards found four off-licences with illegal tobacco and cigarettes. The goods were illegal because they had not paid the correct duty. The investigations were carried out by Trading Standards, but they did inform licensing officers.
- One premises was prosecuted for repeated breaches of the conditions of their premises licence. The defendant failed to attend and the Magistrates found them guilty in their absence. A fine of £660 was imposed and costs of £1507 were awarded. The defendant was also ordered to pay a victim surcharge of £66.
- Two separate premises were issued with warnings following allegations of them selling alcohol outside of their permitted hours.
- One premises was invited to a meeting with the Police and the licensing authority regarding allegations that they had been trading outside of their permitted hours. The premises has since applied for an extension of their hours, which is still within consultation, in order to confirm compliance.
- Officers are still currently dealing with a premises where concerns over management have been raised. This includes not reporting an assault which occurred on the premises to the Police, the assault was witnessed by a Councillor.

4.31 Officers do not report that they have any concerns over the current licensing or enforcement policies, and as can be seen above, a wide range of powers are and have been used by officers, and we continue to work with other agencies including the Police. As can also be seen above, there is also active intelligence sharing between the licensing authority and other responsible authorities, such as Trading Standards. At the same time any issues of non-compliance that officers become aware of through regular visits and patrols are dealt with swiftly and in accordance with the council's published enforcement policy.

4.32 Licensing Reviews

	2013	2014	2015	2016	2017	2018
Number of review applications	4	1	0	0	1	0

There have been no reviews lodged by any residents or responsible authorities this year

4.33 **Looking forward**

Officers will continue to monitor the number of applications and licences which are in force. It was noted at the beginning of the report that there are a number of factors to consider alongside the Watford figures. On a local level, it must be acknowledged that the redevelopment of Charter Place has been a constant source of licensing applications over the years that the development has been built. Now that the extension is opening to the public, and the tenants have obtained licenses for their units, the number of applications for this particular development will naturally tail off. While some applications were received during the course of 2018, there are no other applications known to be forthcoming. Officers are also aware that there has been a decrease in footfall in the town centre during the intu development and other town centre works. However, these works have now finished, and there are fewer obstructions in the town centre which once again gives the appearance of the town being open for business and may stimulate investment in some of our vacant units. This will be kept under review.

4.34 With regards to the fall in the number of premises, it may be that this is a simple rebalancing of the natural commercial market. Members will be aware that during 2018 there were a number of media reports of national, well known, brands reporting closures of premises or issuing profit warnings. Some premises that did close were within Watford.

4.35 While there are no significant licensing legislation changes yet highlighted, officers do await the outcome of the Town Centre vision, which may result in policies needing to come back before the Licensing Committee in order to ensure that the policies fit with the vision. It is expected that the vision will be completed within 2019. The review of the Statement of Licensing Policy under the Licensing Act 2003 is due to be reconsidered in 2020, but other policies, particularly those regarding pavement licences, street trading, charity collections, and non-commercial street activities, may also require review.

## 5.0 **IMPLICATIONS**

### 5.1 **Financial**

5.1.1 There are no direct financial implications arising from this report.

### 5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that there are no legal implications arising from this report.

#### Appendices

None

#### Background Papers

None

#### File Reference

None