

Part A

Report to: Licensing Committee

Date of meeting: Monday, 9 March 2020

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Title: Licensing Act 2003 - Annual Report for 2019

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 thirteenth annual report on the operation of the Act within the Borough.

1.2 To summarise, the number of licensed premises has increased, which is in contrast with last year's fall of total licensed premises. This shows that companies still see Watford as a place to invest and grow. The number of TENs has also increased, again in contrast to a decline last year, as businesses and community groups seek to increase what they can offer to the public. Officers will continue to monitor figures for trends and to identify any areas of concern.

2.0 Risks

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

3.0 Recommendations

3.1 That the Licensing Committee notes the report.

Further information:

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Report approved by:

Justine Hoy, Head of Community Protection

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 **Number of licensed premises**

4.4 There were 336 licensed premises (including 17 qualifying clubs) licensed under the Act as of 31 December 2019. This is a total increase of 3 from 2018, although there has been a decrease in the number of licensed clubs.

4.5 According to the last published national statistics¹ 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.

4.6 When studying the figures for Watford, it can be seen that the total number of licensed premises has increased slightly, with a small decrease in club premises certificates, which appears to be in line with the historic national trends.

4.7 However, officers must advise that these national figures are based upon national returns from licensing authorities for 31 March 2018, and no comparable figures have been provided in the time since.

4.8 **Licensing hearings**

4.9 In 2019 there were 3 hearings scheduled, of which 2 were withdrawn (vacated). The hearing that did proceed was in regards to a personal licence application.

	2014	2015	2016	2017	2018	2019
Scheduled hearings	10	12	12	10	6	3
Vacated hearings	1	5	7	6	5	2

4.10 Of these hearings, the police submitted representations against two applications (compared to one in 2018, and three in both 2017 and 2016). Of the other

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

responsible authorities, both Environmental Health and the licensing authority objected to one application, which was subsequently withdrawn. Representations were also received from councillors for one application, which was withdrawn. Residents submitted representations against two applications (compared to five in 2018, four in 2017 and six in 2016). No representations were received from local businesses.

4.11 There is a continuing trend of hearings being vacated, or applications not required to be resolved through a hearing. Applicants and their agents are more willing to engage in pre-application advice, seeking advice on applications and suggested conditions, and officers do still continue to encourage mediation and discussion, even right up until the hearing itself. This 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, both before and after applications are submitted, consistent with the aspirations for the Borough and its residents as stated in the Licensing Policy.

4.12 **New applications**

4.13 14 new licences were applied for in 2019 (compared to 21 in 2018, 23 in 2017 and 26 in 2016) in respect of:

<i>Alcohol on-sales and other licensable activities (12 applications in 2018)</i>	Hertfordshire Pride, Cassiobury Park Opuz Kitchen, King Street Puttshack, intu Watford Cassio Lounge, High Street 1881 Bunker, Vicarage Road Stadium Chi Restaurant, intu Watford Paty's Café, Market Street W Kitchen, High Street Abaco's Bar, Whippendell Road
<i>Alcohol off-sales (8 applications in 2018)</i>	Mini Town Express, High Street (withdrawn) Whisky Bull, Sandown Road Aldi, Century Retail Park
<i>Late-night refreshment only (1 application in 2018)</i>	Maeme's Piri Piri, Clarendon Road
<i>Regulated entertainment only (no applications in 2018)</i>	British Union Conference, Stanborough Park (withdrawn)
<i>Club premises certificates (no applications in 2018)</i>	No applications

4.14 As of 31 December 2019, one application for a new licence was still pending, but this has now been granted.

4.15 Variation applications

4.16 Nine applications were submitted to vary existing licences (including a variation to one club premises certificate) and 24 minor variations

	2014	2015	2016	2017	2018	2019
Full variations	22	6	10	4	3	10
Minor variations	10	19	6	13	15	24

4.17 Of the full variations, eight were to extend licensed hours, with two of these applications to allow premises to provide licensable activities earlier in the morning. One application was to both extend licensed hours and to extend the licensed area. One application was to extend the licensed area only. Three applications to extend the terminal hours for licensable activities attracted representations. The application to extend licensable activities and the licensed area also attracted representations and was subsequently withdrawn. All other applications did not attract representations. Of these applications, five were discussed with officers and/or the police prior to submission.

4.18 Of the minor variations, the majority were for amendments to plans only (14 applications). One application was to change the layout of the premises and also update the conditions on the licence. Four applications were to amend existing conditions on the respective licences. Three applications were to allow premises to open earlier (but not provide licensable activities). One application was to change the layout of the premises, update licence conditions, and extend their opening times to allow the premises to open earlier in the morning (although not to provide licensable activities earlier). No applications were refused. Of these applications, five were discussed with officers and/or the police prior to submission, with four of these applications concerning amending conditions.

4.19 Miscellaneous applications

4.20 The table below sets out the number of licence transfers, changes of designated premises supervisors (DPSs), and interim authority notices received.

	2014	2015	2016	2017	2018	2019
Licence transfer	23	30	29	23	20	23
Change of DPS	50	59	57	49	63	88
Interim authority notice	1	0	0	0	0	0

4.21 No formal objections were lodged by the police or Home Office Immigration Enforcement team to any of these applications.

4.22 Surrendered and lapsed licences

4.23 The table below shows the number of licences that were surrendered in 2019.

2014	2015	2016	2017	2018	2019
5*	10*	6*	10*	14*	8*

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

4.24 There were six premises licences and two club premises certificate surrendered in 2019. Officers advised last year that we would keep these figures under review following an increase in surrendered licences, and the figures this year do not suggest a continuous upward trend. However, we will continue to monitor these figures. Of the two club premises certificates, one certificate was effectively made redundant when the club obtained a premises licence, and so was surrendered without impacting upon the club. The other club surrendered their certificate when their lease expired. Of the premises licences, two licences were surrendered when the operators stopped providing licensable activities, but the operators are still trading. One premises has since been taken over by new operators but not providing licensable activities. One premises has since obtained a new licence and has opened and is currently trading. One licence was for a unit within the new Intu development which never traded and is still vacant. Finally, the last premises is currently still vacant.

4.25 One premises licence was also lost when the company who held the licence was dissolved, therefore resulting in the licence lapsing. There have been no applications or enquiries on the topic of replacing this licence.

4.26 Temporary event notices

4.27 The table below indicates the number of temporary event notices (TENs) received each year by the council. No TENs received in 2019 were required to go to a hearing because of representations.

Year	Number of TENs Received
2014	325
2015	323
2016	342
2017	352
2018	264
2019	329

4.28 The majority of TENs continue to be given in respect of premises that are already licensed, but there is an increase of non-licensed premises giving TENs with 91 TENs

being given by unlicensed premises such as churches, schools, and other unlicensed businesses (compared to 67 TENs in 2018, 113 in 2017, and 100 in 2016).

4.29 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 still. The early screening times of the Rugby World Cup resulted in an increase of TENs in September and October. There were 23 notices rejected as being invalid (compared to 14 in 2018, 12 in 2017 and 20 in 2016) and four were withdrawn (compared to eight in 2018, six in 2017, and nine in 2016). No TENs that were withdrawn were replaced with other TENs, because the TENs were withdrawn where the respective events were either cancelled, the event continued without licensable activities, or because there was already a premises licence in place meaning that a TEN was not necessary.

4.30 **Personal licences**

4.31 The table below shows the number of personal licences issued for 2019.

Year	Number of personal licences
2015	69
2016	79
2017	64
2018	66
2019	71

4.32 One application was referred to a licensing committee owing to objections from the police. This application was subsequently refused.

4.33 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

4.34 **Appeals**

4.35 There were no appeals lodged in relation to any applications under the Licensing Act 2003 in 2019.

5.0 Statement of licensing policy

5.1 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 ²	Appeals against sub-committee's decisions
2014	3	0	3	0
2015	20	11	4	2
2016	17	13	15	0
2017	12	10	4	0
2018	11	10	2	0
2019	11	10	5	0

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

5.3 Sensitive licensing areas

5.4 The three Sensitive Licensing Areas were first introduced in 2011 to recognise community concerns about particular pockets of licensed premises. In 2019, two new licence applications were received in the sensitive licensing areas (one in Market Street and one in Whippendell Road), but no variation applications were received. With regards to the new applications, both have been granted after agreeing conditions with both the police and Environmental Health which aim to address the concerns as laid out in this policy.

6.0 Compliance and enforcement

6.1 The council's Business Compliance Officer, Licensing Enforcement 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.

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

² 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.

- Working with Development Management and Environmental Health to identify a possible illegal smoking shelter, which has since been taken down
- Visiting a premises in response to an alleged assault reported to the police to track down CCTV. When it was found that the CCTV was not working, in breach of the licence conditions, the premises was voluntarily closed, and has remained closed. The operator has left the premises, and we maintain a watch on the premises reopening.
- One premises found to be selling alcoholic products without a licence following a test purchase from Trading Standards. The premises was visited and warned against selling alcohol, and all alcoholic products were removed from display. Advice was given to the business operator on how to apply for a premises licence, but no licence has been forthcoming as yet.
- Complaints were received against one premises for allegedly trading outside of their permitted hours. The premises has since applied for an extension of hours and this application is still pending.
- A complaint was received alleging that an unlicensed party at a community centre resulted in a male being injured after falling from a stage. While no evidence was found to corroborate this claim, officers did work with the premises to review their policies around booking events and no further complaints have been received.
- Officers and the police met with a premises following an incident which resulted in a person being attacked with a glass and suffering injuries to their face.
- We were informed that, following a test purchase by Trading Standards officers, premises within Watford passed.
- It should be noted that, following visits and concerns raised by both licensing officers, Environmental Health officers, and the police, six of the licence variations detailed earlier in the report submitted in order to amend licences and tighten up controls.

6.3 Officers do not report that they have any concerns over the current licensing or compliance 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.

6.4 **Licensing reviews**

6.5 There were no reviews lodged by any residents or responsible authorities in 2019.

	2014	2015	2016	2017	2018	2019
Number of review applications	1	0	0	1	0	0

7.0 **Looking forward**

7.1 The council's statement of licensing policy expires in 2023. Although it was last reviewed in 2018, legislative changes mean that it must be reviewed again by April 2021 because we have a cumulative impact policy. Work will need to start on this over the next 12 months.

8.1 **Financial**

8.1.1 The Shared Director of Finance comments that there are no financial implications in this report.

8.2 **Legal Issues** (Monitoring Officer)

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

9.0 **Equalities, Human Rights and Data Protection**

9.1 Having had regard to the council's obligations under s149, and having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018 it is considered that there are no equalities, human rights, or data protection concerns as a result of this report, since the report is merely for information and will not in itself require any changes to policy or approach.

Appendices

None

Background papers

None

File reference

None