

Part A

Report to: Licensing Committee

Date of meeting: Thursday, 8 July 2021

Report author: Senior Licensing Officer (AY)

Title: Licensing Act 2003 - Annual Report for 2020

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

1.2 This year has been an extremely challenging year for the hospitality and licensed sector due to the Covid-19 pandemic, and to simply compare figures with previous years would not give a true picture of the sector. However, this report will seek to highlight some of the support that has been given to premises, either through the council or at a national level.

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 Detailed proposal

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 having come into force on 1 April 2021. 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 The country as a whole has found itself in unprecedented times since the beginning of 2020 due to the Covid-19 pandemic, which has resulted in national and local area specific lockdowns, and the forced closure of businesses or restrictions upon the ability of businesses to operate. There have been restrictions and prohibitions in place for public gatherings both inside and outside, affecting weddings, funerals, and all forms of social events such as carol concerts, school fairs, council-run events and other such activities which in other times may have required licensing if they had been allowed to take place.

4.4 With lockdowns being in place, and businesses and event organisers either having to cancel events, or deciding not to proceed with events due to the pandemic, this has seen a dramatic impact upon licensing applications and licensed premises.

4.5 **Number of licensed premises**

4.6 As of 31 December 2020, there were 341 licensed premises (including 17 qualifying clubs), which was an increase of 4 from 31 December 2019. As of 1 June 2021, there were 342 licensed premises. However, this figure does need to be considered alongside the fact that there are some licensed premises which have permanently closed during the pandemic, but the licences have not lapsed or been surrendered. The true picture will take some time to unfold.

4.7 **New applications**

4.8 In 2020 there were 15 applications for new licences (compared to 14 in 2019, 21 in 2018, and 23 in 2017).

<i>Alcohol on-sales and other licensable activities (9 applications in 2019)</i>	Tasty Bean, Oxhey Park BloomsYard, Atria Watford Greek Pitta, St Albans Road Pryzm, The Parade
<i>Alcohol off-sales (3 applications in 2019)</i>	Soralina (Candy & Cocktails), Ridge Lane Draculas European Foods, The Parade Square Pizza House, Langley Road

	Sofibel, Clarendon Road Nisa, The Brow Thirsty Work Bars, Metropolitan Station Approach Lock 81, Colne Way Favorit, The Parade V One Vodka, Ascot Road Co-Op, York Way
<i>Late-night refreshment only (1 application in 2019)</i>	Papa John's, Market Street
<i>Regulated entertainment only (1 application in 2019)</i>	None
<i>Club premises certificates (no applications in 2019)</i>	None

4.9 It is notable that of the new applications received, five were to allow alcohol sales online, and the application for late night refreshment included off-sales of alcohol. This shows how businesses have adapted to the lockdowns and to the government guidance encouraging people to stay at home. Not since 2014 has there been more off-sales applications than on-sales applications, which can be held to reflect upon the restrictions put in place during the pandemic. This has also been influenced by the fact that these years have seen significant improvements to the Borough, in particular the Town Centre with the Met Quarter development, Parade improvements, and shopping centre extension which have encouraged more restaurants and entertainment activities into the town centre.

4.10 Variation applications

4.11 There were five applications submitted to vary existing licences and eight minor variations.

	2015	2016	2017	2018	2019	2020
Full variations	6	10	4	3	10	5
Minor variations	19	6	13	15	24	8

No variations were refused.

4.12 All full variations were submitted prior to the first national lockdown in March 2020. Four applications were to increase hours for licensable activities, and the final application was to increase licensed hours. The lack of applications since March 2020 may be explained in the high uncertainty that businesses faced due to the pandemic and losses that businesses were experiencing due to restricted trade or not being able to trade at all.

4.13 The minor variations continued being received throughout the year. Four applications were for amendments to premises layouts, and four related to amending conditions. Of the applications amending conditions, three were submitted after discussions with the Police to update and add conditions to the licences. This is instead of taking the premises to review and demonstrates the approach of partnership working that the Police have with premises. One application was submitted to amend conditions to remove restrictions on outside drinking. These changes were sought by the business due to the restrictions on premises having customers inside, and were discussed with the Police and licensing authority before being submitted.

4.14 Miscellaneous applications

4.15 The table below sets out the number of licence transfers and changes of designated premises supervisors (DPSs) received.

	2015	2016	2017	2018	2019	2020
Licence transfer	30	29	23	20	23	30
Change of DPS	59	57	49	63	88	48

4.16 Objections were received against an application to transfer a licence and against an application to change a DPS. Both applications related to the same premises and were refused when brought before a sub-committee. The actual hearings for these applications took place in 2021, but the original applications were submitted in 2020.

4.17 Hearings

4.18 There were two hearings conducted in 2020, with a third hearing booked but cancelled (vacated) when the corresponding representations were withdrawn.

	2015	2016	2017	2018	2019	2020
Scheduled hearings	12	12	10	6	3	3
Vacated hearings	5	7	6	5	2	1

4.19 Residents submitted objections against each application (compared to two in 2019, five in 2018, and four in 2017). Environmental Health submitted objections against two applications, but withdrew their representations after agreeing conditions with the applicants. Although no representations were required to be considered by a sub-committee from any other responsible authority, the Police did agree conditions in all cases.

4.20 Surrendered and lapsed licences

4.21 The table below shows the number of licences that were surrendered or which were recorded as lapsing in 2020

2015	2016	2017	2018	2019	2020
10*	6*	10*	14*	8*	13*

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

4.22 In 2018, four premises licences lapsed due to the dissolution of the companies that held the respective licences. In 2019, one premises licence lapsed when the company holding the licence was dissolved. In 2020, nine premises licences lapsed when the licence holders entered administration or were dissolved. This growth can be explained by the mounting pressures on the hospitality sector experienced during the pandemic. Unfortunately, one premises licence lapsed upon the death of the licence holder. Of these lapsed licences, only one licence was reinstated by using the process set out in the Act. At the time of writing this report:

- three premises have been subject to new applications (all have been granted), with two premises still being vacant
- one premises is occupied by a business not offering licensable activities
- one premises has been demolished
- three premises are vacant with no enquires regarding licensing

4.23 Four premises licences were surrendered when the respective occupiers closed their businesses, with all four premises still being vacant at the time of writing.

4.24 Temporary event notices

4.25 The table below indicates the number of temporary event notices received each year by the council.

Year	Number of TENs Received
2015	323
2016	342
2017	352
2018	264
2019	329
2020	55

No TENs received in 2020 were required to go to a hearing because of objections.

4.26 Unsurprisingly, due to restrictions on public gatherings and premises being required to be closed at various times, the number of TENs have decreased significantly. Of the 55 TENs received, 37 were received before the first lockdown, when premises were still working towards normal operations with extensions for New Year's Day and Easter. The TENs that came in after the first lockdown were primarily

requesting extended hours for the late August Bank Holiday and for extended trading in the period between Christmas and New Year's Eve.

4.27 Personal licences

4.28 The table below shows the number of personal licences issued for 2020.

Year	Number of personal licences
2015	69
2016	79
2017	64
2018	66
2019	71
2020	45
Total	1391

4.29 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 consider using its powers to suspend or revoke a personal licence.

4.30 Appeals

4.31 There were no appeals lodged in relation to any applications under the Licensing Act 2003 in 2020.

5.0 Compliance and enforcement

5.1 Council officers and the Police have continued to work proactively and reactively to ensure compliance with licensing legislation.

5.2 During 2020, this has involved working with premises and our partners during the pandemic, both in terms of offering support and advice to premises and our partners in promoting messages around public health and Covid-19 restrictions and advice.

5.3 Officers can advise that we still receive only a small number of complaints against licensed premises. Primarily our role this year has been more proactive, in helping premises with queries over their licences and providing advice on how they can trade, or supporting them with advice on how to vary their licences or provide clarification on legislative amendments. However, a small number of complaints were still received, focussed on allegations that premises were opening when they were not allowed to during lockdown. When complaints are received we work with Environmental Health on these issues and provide advice on licensing matters as required. As mentioned earlier, three minor variations were submitted to vary

licence conditions where concerns had been raised by the Police to address the concerns of the Police and promote the licensing objectives without the need for more formal enforcement action.

5.4 Licensing reviews

5.5 There were three reviews lodged with the licensing authority in 2020, with the hearings to determine these applications actually being heard in 2021

	2015	2016	2017	2018	2019	2020
Number of reviews	0	0	1	0	0	3

5.6 All three reviews were brought by the Police, although Environmental Health did support the Police in one review. In all three cases the sub-committees decided to revoke the respective licences.

5.7 The promotion of the licensing objective of the prevention of crime and disorder was key in all three reviews.

6.0 Pandemic support

6.1 Officers would like to highlight some of the measures put in place both locally and nationally to support licensed premises during the pandemic.

- Expanded business rates relief – this was for the value of 100% for 12 months for 2020/2021, with £37,321,334.58 credited to 1026 business. While this will not have covered every single licensed premises, and unfortunately the figures weren't compiled separately for licensed businesses, a majority of hospitality and licensed business would have been eligible for this support
- Expanded business rates relief – for the value of 100% for 3 months, and then 66% for 9 months during 2021/2022. The figures for this support have not yet been published, but as with the support for 2020/2021, most hospitality or licensed premises should be eligible
- The council has paid out £32,692,415.50 in direct grants to businesses. The majority of these grants were paid out to businesses mandated to close under lockdown and tier restrictions. Again, unfortunately the figures were not separated to take into account licensed and non-licensed premises, but a range of licensed premises, such as cafés, bars and pubs will have been eligible
- The Watford Business Recovery and Growth programme ran from October 2020 to May 2021, and was available to any Watford business to deliver business advisory support
- The Watford Business Growth Grant programme is, at the time of writing this report, currently running, and is available to businesses with 5 to 10 employees

- The council has provided ongoing advice and guidance to businesses and residents to ensure that they operate in a Covid-safe manner and in accordance with legislation. Covid and traffic marshals have been employed to assist with this. Proactive visits formed part of this support as well, with Environmental Health visiting premises and providing support on how to operate safely, with any concerns being fed back to the licensing team. The Police took a proactive approach in asking licensed premises to complete pre-opening questionnaires which were reviewed by the licensing team to identify any issues with their licences and conditions. Where concerns were identified premises were contacted and given advice on how to change their licences
- The Government introduced the Business and Planning Act 2020, which introduced a new licensing regime for pavement licences, as well as allowing premises temporary permission to sell alcohol for consumption off the premises where they previously only had permission for on-sales. This legislation dis-applied certain licensing conditions which prohibited or restricted off-sales where premises were licensed for this activity. Although originally planned to last until September 2021, these provisions have since been extended to 30 September 2022
- The Government has introduced legislation to make the following changes to temporary event notices for the years 2022 and 2023 only:
 - increase from 15 to 20 the number of TENs that can be obtained for any one particular premises
 - increase from 21 to 26 the number of days in a calendar year during which time premises can be licensed under TENs to provide licensable activities
- Reviewing policies as required due to expiration dates or legal requirements but without suggesting sweeping changes to allow for some stability for businesses

6.2 The above measures are only some of the steps put in place by the council and Government, with a focus on support being available to the hospitality sector and licensed premises. It should be acknowledged that some premises, such as large supermarkets and convenience stores, have been able to remain open at all times due to being classified as essential retail. Premises such as take-aways and restaurants have been able to access support, as well as learning to adapt and sign up to online delivery platforms.

6.3 The licensing team have continued to be available to premises for queries and support on licensing matters, as well as working with other agencies, particularly Environmental Health, to address concerns raised and highlight where support is required. Applications have continued to be processed in line with legislative and policy requirements. Pre-application advice has still been available to businesses and has been offered not only when sought but also in response to any issues identified. Officers have been aware of guidance from the Government, or from

organisations such as the Local Government Association and the Institute of Licensing.

- 6.4 Officers can advise that they were invited to participate in discussions with the Ministry of Communities, Housing and Local Government when drawing up the Business and Planning Act 2020 in order to advise on the measures required by such legislation, and the guidance on how to implement the legislation.

7.0 Implications

7.1 Financial

- 7.2 The Shared Director of Finance comments that budgets were adjusted accordingly in 2020/21 to reflect the implications of Covid 19.

7.3 Legal Issues (Monitoring Officer)

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

7.4 Equalities, Human Rights and Data Protection

- 7.5 No equalities impact assessment has been carried out since this report is for information only and is not requesting or proposing any changes to policy.

Appendices

None

Background papers

Watford Borough Council Road to Renewal Plan