

Part A

Report to: Licensing Committee

Date of meeting: Thursday, 7 July 2022

Report author: Senior Licensing Officer (AY)

Title: Licensing Act 2003 - Annual Report for 2021

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

1.2 2021 continued to be an extremely challenging year for the hospitality and licensed sector due to the Covid-19 pandemic. For 2020 the annual report focussed more on the support that was available to premises on local and national levels. This report will seek to highlight where recovery has started within the sector.

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, and requiring renewal in 2023. 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 It should be noted that this report focusses on the period of 1 January to 31 December 2021. The Covid-19 pandemic was of course still very much a significant public health issue during this period, and this should be taken into account when looking at the figures for premises and applications.
- 4.4 **Number of licensed premises**
- 4.5 As of 31 December 2021, there were 363 licensed premises (including 17 qualifying clubs), which was an increase of 22 from 31 December 2020.
- 4.6 **New applications**
- 4.7 In 2021 there were 30 applications for new licences (compared to 15 in 2020, 14 in 2019, and 21 in 2018).

<p><i>Alcohol on-sales and other licensable activities (4 applications in 2020)</i></p>	<p>Premier Inn, Station Road Watford Market, Watford House Lane Honest Burgers, Market Street Escape Hunt, Atria Watford Boom Battle Bar, Atria Watford Mad Squirrel, King Street Flourish Craft Bakery, Garnett Close Toska, St Albans Road Abaco Bar-2, Whippendell Road Two Trees, Vicarage Road Sun Sports Club, Bellmount Wood Avenue Halo & Harley, High Street (<i>withdrawn</i>) Melted WD17, Watford Market Crispy Dosa, High Street Gourmet 4, Woodside Leisure Park</p>
<p><i>Alcohol off-sales (10 applications in 2020)</i></p>	<p>Bar Brothers Events, Bushey Mill Lane Oaklands Wines, Market Street Monica, Market Street Drink N Party, Ascot Road</p>

	Polski Supermarket Mieszko, St Albans Road Meriden Post Office, York Way Next, Atria Watford* Next, Atria Watford* Vegetarian Express, St Albans Road <i>(withdrawn)</i> Savers, High Street GoPuff, Imperial Way Rio Grande, Vicarage Road DKSR, Whippendell Road Bazil, St Albans Road
<i>Late-night refreshment only (1 application in 2020)</i>	Wok & Go, The Parade
<i>Regulated entertainment only (no applications in 2020)</i>	None
<i>Club premises certificates (no applications in 2019)</i>	None

* This is not a duplication and we did receive two separate applications for two separate units

- 4.8 Two applications were still out for consultation as of 31 December 2021. One of these applications was refused after a hearing, and the other was granted without the need for a hearing.
- 4.9 In total, two applications were refused after hearings. Neither refusal was appealed.
- 4.10 In 2020, five applications for online sales of alcohol were received, which we highlighted due to the restrictions imposed on business by the pandemic. In 2021, five applications were received for online sales of alcohol. One application for off-sales of alcohol was to allow alcohol to be delivered as part of a take-away food order. While there were still restrictions in place during 2021, particularly at the start of 2021 with a lockdown in force, it is noted that there has been some growth in online alcohol sales but not to a significant amount. However, this can also be attributed to how online alcohol orders have been available from other sources for some time such as the supermarket chains, and how restaurants and take-aways were already set up to sell alcohol for consumption both on and off the premises.
- 4.11 The increased numbers in on-sales applications, when compared to 2020, shows that businesses did still view Watford as a place to invest and also that businesses wanted to open premises which primarily involved customers being physically present, therefore not being completely deterred by the pandemic and the restrictions which have been in place. If we compare the figures to 2019, where 9

on-sales applications were received, we can see that more applications were received in 2021 compared to 2020 and 2019, which could be signs of the sector returning to some form of normality.

4.12 Variation applications

4.13 In 2021, 10 variations were submitted to vary existing licences and 11 minor variations were received in respect of existing licences. No variations were received in relation to any club premises certificates.

	2016	2017	2018	2019	2020	2021
Full variations	10	4	3	10	5	10
Minor variations	6	13	15	24	8	11

4.14 No variations were refused, either full or minor variations, although one minor variation was rejected as being invalid since the application was asking to change the licence in a manner that is not permitted under a minor variation.

4.15 In 2020 it was noted that the variations were received before the first national lockdown started in March 2020, which we explained as being down to the uncertainty that businesses faced at that time. Most variations in 2021 were received after the lockdown had ended and most leisure businesses were allowed to re-open from April and May 2021. In a similar comment made to the variations received in 2020, this is likely due to the fact that businesses now had certainty and felt comfortable in reinvesting in their premises or were making changes to their operations in order to drive more custom.

4.16 With regards to the full variations, one application was to add off-sales to allow the delivery of alcohol. Five applications were submitted to increase the licensed hours and three applications were concerning revising existing conditions, which could be held to be relevant towards driving more custom. Two applications were for the same premises (one of which was later withdrawn) to add on-sales and allow consumption in an outside area, which is very closely linked to driving more customers but also due to the increased use of outside areas over the pandemic. Two applications were to increase the licensed area of the premises following refurbishments.

4.17 The majority of minor variations (eight applications) were related to changes of layout to the premises. One application was to change the conditions of the premises to allow the use of an outside area, which was highlighted by licensing officers to the premises. One application was to vary the licensed hours, but not increase the hours. One application, which was rejected, sought to increase their alcohol hours, which is explicitly prohibited.

4.18 **Miscellaneous applications**

4.19 The table below sets out the number of licence transfer and changes of designated premises supervisor (DPS) applications received.

	2016	2017	2018	2019	2020	2021
Licence transfer	29	23	20	23	30	22
Change of DPS	57	49	63	88	48	73

4.20 No applications were refused or were required to go to a hearing.

4.21 **Hearings**

4.22 There were 10 hearings booked for 2021, with only one being cancelled (vacated) when the corresponding representations were withdrawn.

	2016	2017	2018	2019	2020	2021
Scheduled hearings	12	10	6	3	3	10
Vacated hearings	7	6	5	2	1	1

4.23 Residents submitted representations in respect of seven applications, with residents providing supporting representations for one of these applications. The Police were involved in six hearings after submitting representations, although it must be noted that three of these hearings were review hearings instigated by the Police. Environmental Health were involved in two hearings after submitting representations. No other responsible authorities objected to application, although comments were received but then withdrawn from these authorities, most notably public health.

4.24 **Surrendered and lapsed licences**

4.25 The table below shows the number of licences that were surrendered or which were recorded as lapsing in 2021.

2016	2017	2018	2019	2020	2021
6*	10*	14*	8*	13*	8*

* new licences were obtained in lieu of some of these that ceased to be in force.

4.26 In last year's report, we highlighted the sharp increase in licences that had lapsed due to companies entering administration or being dissolved, with an increase from one licence lapsing in 2019 to nine licences lapsing in 2020. For 2021, only one premises licence lapsed when the premises licence holder was dissolved, and this licence was subsequently reinstated by the process set out in the Licensing Act.

4.27 Eight premises licences were surrendered when the respective occupiers closed their businesses. Two of these businesses obtained new licences after relocating to new premises, which had not previously been licensed. One premises was taken over by new occupiers who then applied for, and obtained, a new premises licence to operate a different business. It is known that four premises are still currently empty.

4.28 Temporary event notices

4.29 The table below indicates the number of temporary event notices (TENs) received each year by the council.

Year	Number of TENs Received
2016	342
2017	352
2018	264
2019	329
2020	55
2021	146

4.30 No TENs received in 2021 were required to go to a hearing. However, one late TEN was refused by officers following receipt of valid representations.

4.31 The vast majority of TENs were received for dates after April 2021, when outdoor gatherings were permitted, and May 2021, when most non-essential and indoor businesses were allowed to re-open. TENs were again submitted for the usual types of events, such as extended hours over bank holidays and school fayres, but there was a trend at the beginning of the year for applying for TENs to allow outside events. While there has been an increase in TENs received when compared to 2020, there were still restrictions in place, with increasing concerns over the spread of the omicron variant towards the end of 2021 with the Government announcing the plan B measures and the increased uptake in face masks.

4.32 Personal licences

4.33 The table below shows the number of personal licences issued for 2021.

Year	Number of personal licences
2016	79
2017	64
2018	66
2019	71
2020	45
2021	35
Total	1407

4.34 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.

4.35 Appeals

4.36 There were no appeals lodged in relation to any applications under the Licensing Act 2003 in 2021.

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

5.2 We continue to receive only a small number of complaints against licensed premises. Similar to 2020, primarily our role through 2021 was more proactive, helping premises with queries over their licences, providing advice and assistance in how to apply for pavement licences to allow outside areas, and participating in meetings with other council departments, particularly around the town centre, with regards to premises re-opening.

5.3 Where complaints have been received, there has been a trend in complaints being made about loud noise or opening later than permitted. With regards to noise, we have worked with Environmental Health as the experts in this field. No enforcement action has been taken with regards to any specific complaints, but some premises remain monitored to ensure there are no further issues with compliance. With regards to late opening, no late opening has been witnessed and lacking further evidence these cases have been closed.

5.4 Licensing reviews

5.5 There were three reviews heard by the licensing authority in 2021, although the actual applications for review were submitted in 2020. No new reviews were submitted in 2021.

	2016	2017	2018	2019	2020	2021
Number of reviews	0	1	0	0	3	0

5.6 All three reviews resulted in the respective licences being revoked. The licensing objective of the prevention of crime and disorder was a key reason for revoking these licences.

6.0 Moving forward

6.1 It must be recognised that 2021 was still a very challenging time for the leisure and hospitality sector. There were still restrictions in place throughout the year, starting off with a lockdown at the start of the year and plan B measures being in place as a result of the omicron variant at the end of the year.

6.2 We can see from the figures that some element of normality appears to have returned to the sector after the lockdowns had finished with regards to applications, and an increase on applications when compared to 2019. We can see that the number of licences lapsing due to administration or winding up of the related companies has not significantly increased when compared to previous years, particularly prior to 2020. We have received a large number of new applications, which for the most part are new businesses or new investment within the Borough. The number of TENs still needs to be kept under review, although premises may have been unwilling to put on events while restrictions were still in place and customers may have been reluctant to visit premises while infection rates were high or rising and Covid-19 was still a concern.

6.3 Although the Covid-19 restrictions and related measures ended in early 2022, businesses have had to move on to dealing with the cost of living crisis. This affects businesses in seeing costs increase, with the Office of National Statistics advising that inflation is up to 7.9% and the consumer price index is up to 9.1%. Businesses are also understandably concerned over the reaction of customers who face having less money to spend in their pocket and therefore less likely to go out and use the services of the leisure and hospitality sector, particularly the night-time economy. Businesses faced similar concerns, albeit without the rising costs, from 2008 as a result of the credit crunch. At that time, there was a notable switch towards purchasing alcohol from supermarkets and off-licences and either spending more time at home or drinking more at home and then going out later. Officers will monitor the situation to see if similar trends are identified this time around.

7.0 Implications

7.1 Financial

7.2 The Shared Director of Finance comments that the 2021 income budget in relation to the Licencing Act was £0.089m. This covers quarter four from the 2019/20 financial year and quarters two to four of the 2020/21 financial year. A small surplus of £0.003m was achieved against this budget over this period. The Council reviews the fees and charges and related income budgets annually as part of the

budget setting process. Budgets are monitored throughout the year and variations to budgets are reported to Cabinet in the quarterly Finance Digest Report.

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.

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

7.6 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

None