

2022 Annual Report on the Licensing Act 2003 (Environmental Services, Robert Smith)

Synopsis of report:

To present the 2022 Annual Report on matters relating to the Licensing Act 2003 and its operation within Runnymede.

Recommendation:

None. This report is for information only.

1. Context and background of report

- 1.1 The Council's Licensing Policy, section (24.2), requires an annual report from Officers. This report includes statistical data from the Council's licensing records. In order to have some commonality with other reports, unless otherwise stated, the data covers the period 1 April 2021 to 31 March 2022.
- 1.2 The annual report includes statistical data required by the Home Office who have the role of collating relevant information from Licensing Authorities.

2. Report

2.1 Detail is included in relation to the following items:

- Licensing Policy
- Statistics of Licensing Activity
- Inspections and Enforcement Activity
- Licensing Fees
- New and proposed legislation
- Staffing of the Licensing Section

Licensing Policy

- 2.2 A review of the Council's Licensing Policy was carried out in 2020; the revised policy was adopted by the full Council at its meeting in December 2020 and took effect on 7 January 2021, it is valid for 5 years.
- 2.3 The policy will be updated as required during the period of its validity as and when new or amended legislation or guidance is produced.

Service statistics

2.4 The following table details statistical information for the last 5 financial years.

Licensing totals	2017/18	2018/19	2019/2020	2020/2021	2021/2022
Premises Licences	237	238	243	244	249
Club Premises Certificates	35	35	35	35	34
Temporary Event Notices	224	205	273	19 (2 late)	167 (40 late)

Licences determined by Sub-Committee	1	0	1	1	0
Number of Appeals	0	0	0	0	0
Number of Prosecutions/Cautions	0	0	0	0	0
New Premises Licences granted	8	8	10	6	11
New Personal Licences granted	72	53	45	27	21
New applications for Club Premises Certificates (CPCs)	1	0	0	0	0
Premises Licences surrendered or lapsed.	3	7	5	5	6
Full variations to a premises licence	4	4	11	6	3
Minor variations to a premises licence	7	5	3	5	2
Reviews	0	0	1	0	0

2.5 The number of premises licences as of 1 April 2022 was 249, over the year 2022 11 new premises licence were granted and 6 were surrendered or lapsed. Details of these premises are set out below:

New premises licences granted

Premises	Location		Ward	Type
STS Italian Deli	176 High Street	Egham	Egham Town	Cafe
Bishopsgate School	Bishopsgate Road	Englefield Green	Englefield Green West	School
30 Chapel Avenue	30 Chapel Avenue	Addlestone	Addlestone North	Residential micro brewery
Windsor Great Park Illuminated Lounge	Windsor Great Park, Unit C1 Magna Square	Englefield Green	Englefield Green West	Outdoor venue
FN Family Ltd	Unit 4, The Lane	Egham	Egham Town	Café/bar
Food Envy London Ltd	Unit 4, The Lane	Addlestone	Addlestone South	Restuarant
Food Envy London Ltd	The Farm Shop, Unit B1/B2 Hardwick Lane	Lyne	Longcross, Lyne and Chertsey South	Farm shop
Woodham Food & Wine	313 Woodham Lane	Addlestone	Woodham and Row Town	Convenience store
SYA Services Egham Limited	Unit 2 Corn Merchant House, Station Road North	Egham	Egham Town	Convenience store
Polow Restaurant	72 High Street	Egham	Egham Town	Restuarant
Fairmont Windsor Park Hotel	Fairmont Windsor Park Hotel, Bishopsgate Road	Englefield Green	Englefield Green West	Hotel and events venue

Premises licences surrendered

Premises	Location		Ward	Type	Reason surrendered
Food Envy London Ltd	The Farm Shop Hardwick Lane	Lyne	Longcross, Lyne and Chertsey South	Farm shop	Redeveloped and new licence granted
The little things Coffee House	53-55 High St	Egham	Egham Town	Cafe	No longer required
Café Lisboa Ltd	9 Windsor Street	Chertsey	Chertsey St Ann's	Cafe	No longer required
Mango Chutney	28 St Judes Road	Englefield Green	Englefield Green East	Restuarant	No longer required
Chertsey convenience store	17b Fordwater Road	Chertsey	Chertsey Riverside	Convenience store	No longer required
Loch Fyne Restaurant	5 High Street	Egham	Egham Town	Restuarant	Refurbished and now under a new licence

2.6 The total number of Personal Licences issued by the authority is 1,160. The Deregulation Act 2015 introduced new provisions in relation to personal licences and allows personal licences to be valid for an unlimited period of time. All personal licence holders must still inform the authority whenever they change their address. There is however, no national database of personal licence holders.

2.7 The number of Temporary Event Notices (TENs) received in the last financial year was 167 (compared with 19 in the previous year); of these 40 were late TENs. Members will appreciate that due to the pandemic, gatherings have been severely limited.

2.8 The number of premises with 24hr licences is 21, these are generally service stations or leisure related premises. There has been no discernible impact on the licensing objectives as a result of these 24hr premises.

2.9 In general, shops and off licences have tended to keep to their terminal hour of 23:00hrs, as permitted under previous legislation. New shops and 'off licence' outlets tend to apply for licensing hours which reflect their hours of opening. Officers have noted a tendency, especially amongst larger operators, to apply for 24hr Licences at garages with convenience stores on site.

2.10 The majority of pubs and members clubs typically have hours to midnight from Sunday to Thursday and 01:00hrs at the weekend, even if the facility is not utilised.

2.11 The latest terminal hour for a Club Premises Certificate is 03:00hrs.

3. Inspections and Enforcement Activity

3.1 To ensure an effective enforcement regime, licensing inspections continue to be carried out whenever a new or significant variation application is made in accordance with paragraph 19 of the Council's Licensing Policy. In addition, we also have a structured intelligence led approach to inspections with other Responsible Authorities. Our inspection and enforcement activity operates in a proactive manner and follows the Government's guidance on local regulation by

focussing on high risk premises whilst maintaining reactivity in response to those that break the law or are subject to complaints.

- 3.2 Members will recall the following criteria under which a premises is risk assessed for the appropriate level and frequency of inspection:-
1. Prevention of Crime and Disorder
 2. Public Safety
 3. Prevention of Public Nuisance
 4. Protection of Children from Harm
 5. Compliance with Conditions
 6. Capacity
 7. Confidence in Management
- 3.3 Over the period covered by this report their inspection activity has been limited by the pandemic however at new premises and those applying for variations the applicants fulfilled the requirements of the 'Act'.
- 3.4 Officers have found that engaging with applicants prior to any applications, or at a very early stage, ensures they are fully aware of what is required of them during the application process and the representation period. This is particularly important with regard to advertising applications, the provision of a plan of the premises and ensuring that any conditions on the operating schedule are appropriate, enforceable and unambiguous. It is a source of frustration that many premises licence holders fail to engage with the licensing authority and submit applications which are poorly worded or incorrect, this inevitably leads to rejection or objections to the application.
- 3.5 Our aim for 2022/23 is to carry out intelligence led inspections with the other Responsible Authorities subject to their availability. The purpose of these inspections is to alert licence holders to any breaches of their licence or offences contrary to the Licensing Act 2003 and to make them aware of any best practices. This approach does improve self-regulation and compliance but prosecution of those who fail to comply with the Act, or their licence conditions remains an option.
- 3.6 The risk of a Review of the premises licence continues to be an effective deterrent to club and premises licence holders.

Pubwatch

- 3.7 Pubwatches are organised and administered by licensees with other bodies such as the licensing authority and Police being invited to pubwatch meetings. Pubwatch is seen as good practice by the Police and Home Office and is a valuable way of demonstrating a commitment to promoting the four licensing objectives under the Licensing Act 2003 and the responsibility of the licensing trade in general.
- 3.8 The basic principle of Pubwatch is that its members agree to work together to improve the safety of their premises, for the benefit of their staff and customers. They will introduce initiatives to try and combat the criminal activity and anti-social behaviour that can often be associated, but not exclusively, with the misuse of alcohol or drugs. This will often result in Pubwatch members agreeing to jointly ban problem individuals who are violent, damage property, use or deal drugs or act in an anti-social manner.
- 3.9 Locally, the Pub Watch scheme continues to be supported by the Licensing Authority by attending meetings and updating members on licensing legislation.

There are two Pub Watch groups in the Borough, roughly split north and south. Out of the 50 public houses and 34 registered clubs in the borough 33 are members of Pub watch, meetings are held every 6 weeks in normal times. During the peaks of the pandemic there were no pubwatch meetings but they recommenced in Spring 2021.

3.10 Persons who have caused problems in licensed premises can be banned from all Pub Watch members' premises for a set period depending on their action. As of 1 April 2022, there were 11 persons on a Pub Watch ban in Runnymede (1 North and 10 South)

3.11 Although Pub Watch attendance is voluntary it is recognised as an important method of promoting the licensing objectives so those who do not attend are at a distinct disadvantage.

3.12 Runnymede's Licensing Policy, section 8.12 states:

"The Council also recognises that engagement with Pub Watch is a key factor in combatting crime and disorder. As such, those with responsibility for premises, be they Designated Premises Supervisors, managers or premises licence holders are strongly encouraged to participate in their local Pub Watch scheme."

3.13 Attendance at pubwatch has improved over the last few years and a healthy number now attend regularly. The appearance of members of this Committee or ward Councillors is commonplace and is very welcome.

3.14 Attendance is shown in the chart below:

Runnymede North area										
Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
7	9	9	-	-	12	-	12	12	-	6

Runnymede South area										
Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
15	10	-	10	7	-	-	10	-	12	12

3.15 Members may be interested to know just how many incidents the Police have recorded in licence premises of all types. The Police have supplied some statistics and a brief summary as set out below.

3.16 Altogether there were 337 incidents in licenced premises, these cover a wide range and not all are connected with crime and disorder. The number of incidents which occurred in public houses was 90 –

Covid regulation breach	4
Drugs	10
Public order/ attempted assault / assault	28
Drink/drive	3
ASB	21
Make off without payment	4
Noise nuisance	3
Hate Crime	1
Offensive weapon	1
Assault – GBH	1
Criminal damage	8
Theft	2
Sexual Assault	1
Harassment	1

Drunk – refusing to quit	2
Total Incidents	90

4. Licensing Fees and Accounts

- 4.1 As of 25 April 2012 powers to suspend a licence for non-payment of fees has been available to the licensing authority. Working closely with the Council’s Sundry Debtors team, a new procedure in relation to non-payment of fees was implemented in November 2012, whereby premises licence holders are made aware that the fee is due approximately 5 to 6 weeks before the due date. If payment is not received a notice of suspension is sent. This effectively informs them they have 10 days to pay the fee. If no payment is received after this a suspension notice is issued which effectively suspends the licence after 48 hours from the date the notice is issued.
- 4.2 The majority of licence fees due to the authority fall on the 24 November each year (due to the original implementation date of the Act in 2005). In total, 266 invoices were sent to premises licence holders in the last financial year, 6 notices of suspension were sent out to premises.
- 4.3 The Immigration Act 2016 places additional duties on the Licensing Authority around conducting right to work checks and informing the Home Office as a responsible authority about licensing applications. It is the responsibility of the licensing authority to be satisfied that an individual’s immigration status does not preclude them from holding a premises or personal licence to sell alcohol or carry out late night refreshment.
- 4.4 To date the checks have not added any significant burden on the licensing section. In practice this involves the applicant producing copies of documents which demonstrate their immigration status, these range from passports to birth certificates, a complete list is provided in the Home Office guidance. The information contained on these documents is generally sufficient to tell if they have right to work, although on the occasion where it has not been clear enquiries have been made with the Home Office. The licensing authority is not required to check the validity of documents but must make checks based on the documentation produced.

5. New and proposed Legislation

- 5.1 There has been little in the way of new legislation this year. Home Office Guidance under section 182 of the Licensing Act 2003 is periodically revised, the latest revision was in April 2018. This remains a most essential piece of guidance for officers and Members.
- 5.2 The regulations about the number of Temporary Event Notices (TENS) have been altered for the calendar years 2022 and 2023 so that the maximum number of TENS which can be held at the same premises in a calendar year is increased from 15 to 20 over these years only. This was to help business recover from the pandemic.

6. Staffing of the Licensing Section

- 6.1 The Section’s current staffing consists of one full time Senior Licensing Officer and one full time administration post, approximately 40% of their time is dedicated to the Licensing Act 2003. They also have responsibility for applications and administration in respect of Taxi and Private Hire licensing, the Gambling Act 2005 and Scrap Metal Dealers Act 2013, which takes up the remainder of their time.

- 6.2 The administrative post for licensing is a key position and one that requires considerable knowledge, skills, experience and ability.
- 6.3 The Licensing section of the website is a valuable resource which is frequently updated to keep pace with changes to legislation and to ensure that the content is both up to date and user friendly. We aim to give as much advice and assistance as possible through the website and directing customers to the relevant web page prevents repetitive unnecessary work.
- 6.4 Licensing applications can no longer be made online via the Gov.uk as in previous years due to Runnymede's Civica e-pay system being incompatible with the upgraded payment system now used by Gov.uk. We are hopeful this can be resolved soon.
The inability to use the Gov.uk payment system for licensing increases the number of paper and email applications we receive which of course involve more officer time and money in processing applications and payments. It also makes it a less straightforward application process for applicants.
- 6.5 The Licensing Section works with minimum delay in the processing of any applications or production of licences and offers a helpful and informative service to our customers. The turnround times for licences are typically only one or two days following any statutory consultation period.

7. The effect of the Covid pandemic

- 7.1. Members will be aware that the hospitality industry was particularly badly hit by the pandemic. A House of Commons briefing paper (see link below at background papers) was published on 23 March 2021 and this gives a very good overview of the impact of Covid countrywide.
- 7.2 In Runnymede we are not aware of any specific cases where a licence has been surrendered due to the pandemic.
- 7.3 Our licensing processes have been unaffected by Covid restrictions and there have been no delays or disruption as a result of staff having to work from home.

8. **Conclusions**

- 8.1 After another very difficult year for the trade it remains to be seen what the long-term effects of the pandemic and the reduced trade are going to be. Members will be aware that one of the biggest problems faced by the licensing trade is staff and their retention.

(For information)

Background papers

Runnymede's Licensing Policy

<https://www.runnymede.gov.uk/article/14546/Licensing-forms-fees-and-policy>

Licensing Act 2003 and section 182 guidance

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Immigration Act 2016

<http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>

Deregulation Act 2015

<http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted>

House of Commons briefing paper

<https://commonslibrary.parliament.uk/research-briefings/cbp-9111/>