

2023 Annual Report on the Licensing Act 2003 (Environmental Services, Robert Smith)

Synopsis of report:

To present the 2023 Annual Report on matters relating to the Licensing Act 2003 and its operation within Runnymede.

Recommendation:

None. This report is for information.

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 2022 to 31 March 2023.
- 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, until 6 January 2026
- 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	2018/19	2019/2020	2020/2021	2021/2022	2022/2023
Premises Licences	238	243	244	249	250
Club Premises Certificates	35	35	35	34	34
Temporary Event Notices	205	273	19 (2 late)	167 (40 late)	199 (50 late)

Licences determined by Sub-Committee	0	1	1	0	0
Number of Appeals	0	0	0	0	0
Number of Prosecutions/Cautions	0	0	0	0	0
New Premises Licences granted	8	10	6	11	8
New Personal Licences granted	53	45	27	21	44
New applications for Club Premises Certificates (CPCs)	0	0	0	0	0
Premises Licences surrendered or lapsed.	7	5	5	6	6
Full variations to a premises licence	4	11	6	3	3
Minor variations to a premises licence	5	3	5	2	2
Reviews	0	1	0	0	1

2.5 The number of premises licences in Runnymede as of 1 April 2023 was 250. Over the year 1 April 2022 to 31 March 2023, 8 new premises licences were granted, 6 were surrendered or lapsed and 1 was revoked. Details of these premises are set out below:

New premises licences granted

Premises	Location		Ward	Type
The Addlestone Centre	Garfield Road,	Addlestone	Addlestone South	Community Centre
Fire Pizza Ltd	87a High Street	Egham	Egham Town	Restaurant /take away
Eggham on Toast	73 High Street	Egham	Egham Town	Restaurant
Papa Johns	45 High Street	Egham	Egham Town	Pizza delivery/take away
Windsor Great Park Illuminated	Windsor Great Park,	Englefield Green	Englefield Green West	Outdoor Christmas light show
Shell Little Waitrose	Guildford Road	Ottershaw	Ottershaw	Convenience store
Shell Little Waitrose	London Road	Virginia Water	Virginia Water	Convenience store
Cielito	10 Station Parade	Virginia Water	Virginia Water	Restaurant

Premises licences surrendered

Premises	Location		Ward	Type and Reason surrendered
Jasmin Curry House	178 Station Road	Addlestone	Addlestone South	Restaurant No longer required

Iceland	120-124 Station Road	Addlestone	Addlestone South	Supermarket No longer required
TVM retail	3 Ongar Parade	Addlestone	Woodham and Rowtown	Convenience store No longer required
Shell Little Waitrose	Guildford Road	Ottershaw	Ottershaw	Convenience store. Redeveloped new licence granted
Acker UK Ltd	Thorpe Industrial Estate	Thorpe	Thorpe	Warehouse No longer required
Shell Little Waitrose	London Road	Virginia Water	Virginia Water	Convenience store. Redeveloped new licence granted

Premises licences revoked

Premises	Location		Ward	Type	Reason
Magic Wok	17 High Street	Egham	Egham Town	Restaurant	Immigration offences

Personal Licences

- 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. All personal licence holders must still inform the authority whenever they change their address. There is however, no national database of personal licence holders.

Temporary Event Notices (TENs)

- 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.

24hr licences

- 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 (RHUL university campus).

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 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. As well as the delay to the applicant this also means a considerable amount of Officer time is spent advising applicants of the reasons their applications have been rejected. Officers are considering the introduction of chargeable pre-application advice service.
- 3.5 Our aim for 2023/24 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. Recent focus has been on convenience stores, these premises are prone to licence breaches and both the licensing authority and the Police have been increasing checks at these premises.
- 3.6 The risk of a Review of the premises licence continues to be an effective deterrent to club and premises licence holders.

Pub watch

- 3.7 Pub watch is organised and administered by licensees with other bodies such as the licensing authority and Police being invited to pub watch meetings. Pub watch 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 pub watch 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 pub watch 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 33 registered clubs in the borough 53 are members of Pub watch although they do not all necessarily attend every meeting. Meetings are held every 6 weeks, although Egham and district have recently changed this to every 10/12 weeks.
- 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 2023, there were 8 persons on a Pub Watch ban in Runnymede (1 North and 7 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 pub watch 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

May	Jun	Aug	Sep	Nov	Jan	Apr
7	7	8	9	6	5	4

Runnymede South area

Jun	Jul	Sep	Nov	Jan	Feb	Apr
8	2	9	12	16	5	7

- 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 235 (337 in previous year) incidents in licensed premises, these cover a wide range and not all relate to crime and disorder. The number of incidents which occurred in public houses was 51 (90 in previous year) –

Drugs	3
Public order/ attempted assault / assault	26
ASB	2
Make off without payment	2

Noise nuisance	5
Criminal damage	2
Theft	5
Sexual Assault	1
Drunk – refusing to quit	3
Total Incidents	51

4. Licensing Fees and Accounts

4.1 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).

4.2 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. There have been no notices of suspension were sent out to premises in this Financial Year.

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 The Home Office Guidance under section 182 of the Licensing Act 2003 was revised in December 2022 and Members will recall the report submitted to this Committee in March 2023 regarding the updated guidance. This remains a most essential piece of guidance for officers and Members.

5.2 The regulations about the number of Temporary Event Notices (TENS) were altered for the calendar years 2022 and 2023 only to help business recover from the pandemic. The main changes were that the maximum number of TENS which can be held at the same premises in a calendar year is increased from 15 to 20 and the total duration of events over the year was increased from 21 to 26 days.

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. 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 processing any applications or production of licences and offers a helpful and informative service to our customers. The turnaround times for licences are typically only one or two days following any statutory consultation period.

7. The effect of the Covid pandemic and inflationary pressures

- 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 but we are aware of several public houses where more recently, they have closed to the public but not surrendered the licence.
- 7.3 Post Covid the hospitality sector is now having to deal with high inflation. With higher prices for goods and services, gas and electric, the cost of operating a pub, hotel or restaurant has significantly increased. Inflation driven increases in costs lead to higher expenses for food, beverages, and other supplies needed to operate. This results in higher prices for customers and/or reduced profit margins for businesses. Inflation can also lead to reduced demand for hospitality services. As prices rise, consumers may choose to cut back on discretionary spending, such as eating out or traveling, to save money. This could lead to lower occupancy rates for hotels and lower revenue for pubs and restaurants. Another potential impact of inflation on the hospitality industry is increased wage pressure. As employees try to keep up with rising costs of living, they may demand higher wages or leave for better paid jobs.

8. **Conclusions**

- 8.1 After another very difficult year for the trade it remains to be seen what effects the economic situation will have on the licensed trade.

(For information)

Background papers

Runnymede's Licensing Policy

[Statement of Licensing Policy 2021 to 2026 \(runnymede.gov.uk\)](http://www.runnymede.gov.uk)

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/>