

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

LICENSING COMMITTEE – 13 FEBRUARY 2025

REPORT BY THE DIRECTOR OF HIGHWAY AND REGULATORY SERVICES

PERFORMANCE MONITORING REPORT LICENSING ACT 2003 1 JANUARY 2024 to 31 DECEMBER 2024

The data set out in this report covers performance monitoring for the period 1 January 2024 to 31 December 2024. In preparing this report reference was made to the paper: "Performance indicators for the Licensing Team", which was approved by Committee on 1 May 2007.

FOR INFORMATION

1 Background and Introduction

- 1.1 On 31 December 2024 there were **1187** premises licences, **9** club registration certificates and **2388** personal licences issued by the borough under the Licensing Act 2003. In addition, there were **264** premises licensed for special treatments, **24** licensed gambling premises and **365** pavement/tables and chairs licences.

2 Performance on application processing

- 2.1 The following tables set out the number of applications, notifications, committee hearings, inspections, and enforcement activities which the licensing team dealt with during the last year, 1 January 2024 to 31 December 2024.

- 2.2 In summary, the licensing team dealt with

- **986** temporary event notices,
- **517** premises licence applications and notifications
- **89** personal licence applications and notifications
- **305** special treatment licence applications
- **362** tables and chairs/pavement licence applications and **104** Summertime Terraces Approved
- **39** Licensing Sub-Committee Hearings
- **198** suspension notices issued for late/non payment of annual fees.

- **84** licences suspended, of which **16** licences remain suspended
- **17** requests for pre-application advice
- **201** premises, **22** gambling premises and **82** special treatment risk assessed inspections
- **218** complaints investigated
- **29** warnings issued for non-compliance

Table 1 - Licensed Premises

Number of licences in effect on 31 December

	2024	2023	2022	2021
Premises Licences	1187	1164	1165	1145
Club Registrations	9	9	9	10
Personal Licence	2388	2341	2298	2247
Gambling Licences	24	25	25	24
Special Treatment	264	256	240	223
Pavement/Tables and Chairs Licences	365	327	254	361
Other licences, permits and registrations	82	82	85	87
Total	4319	4204	4076	4097

Table 2 – Applications received

Number of applications received between 1 January and 31 December each year

	2024	2023	2022	2021
Licensing Act 2003				
New Grant	73	71	66	109
Full Variation	30	34	35	31
Minor Variation	34	29	32	26
Vary DPS	216	223	245	233
Transfer or Interim Auth.	81	70	69	92
Review	2	1	2	2
Personal Licence	65	74	65	62
Notification of change of name/address	105	83	116	123
Temporary Event Notices*	986	948	854	519
* in 2024 271 were late temporary event notices and 444 (approximately 45%) of all temporary event notices received during the period were from licensed premises				
Special Treatment				
New Grant	35	51	34	37
Renewal	238	223	224	191
Transfer	10	11	4	4
Variation	22	23	23	17

Tables and Chairs				
Pavement Licence - New	365	547	424	658
Pavement Licence – Renewal/Variation	232	N/A	N/A	N/A
Tables and Chairs under the Highways Act 1980	15	46	49	66
Summertime Terrace	104	94	110	119
Other applications, registrations, and notifications	57	59	38	71
Total	2670	2587	2390	2360

- 2.3 As can be seen in table 2 there was a 3% overall increase in the number of applications and notifications received in 2024, compared to the previous year.
- 2.4 The number of premises and special treatment licence applications is on par with pre-coronavirus levels. The number of pavement/tables and chairs applications has declined since the height of the coronavirus pandemic but has more than doubled compared pre-coronavirus levels
- 2.5 Applications and notices submitted under the Licensing Act 2003 which receive representations/objections are subject to statutory timescales for the hearing of the application. In the majority of cases the hearing should take place within 20 working days of the last date for representations unless the Committee considers it in the public interest to adjourn the hearing to a later date. For other opposed applications, the hearing is scheduled as soon as reasonably practicable once the application procedure and consultation period have been completed.
- 2.6 Where an application is unopposed the Licensing Team aims to grant and issue 90% of all applications for premises and personal licences within 10 working days of the last date for representations, or, in the case of applications which initially receive representation(s), within 10 working days of the representation(s) being withdrawn. For other unopposed applications, the application is granted as soon as reasonably practicable once the application procedure and consultation period have been completed
- 2.7 Tables 3 and 4 below set out the number of opposed applications considered by the Licensing Sub-committee and the number of unopposed applications granted under delegated powers,

Table 3 – Applications considered by Committee

	2024	2023	2022	2021
Licensing Act 2003				
New Grant	17	12	10	20
Full Variation	10	11	6	8
Reviews	2 (incl 1 interim)	1	2 (incl 1 interim)	2

	steps hearing)		steps hearing)	
Temporary Event Notices	9	6	6	2
Personal Licences	0	0	0	0
Special Treatment	0	0	0	0
Gambling	0	0	1	0
Total	38	30	21	31

2.8 The Licensing Sub-Committee considered 36 contested applications and 1 summary review during the period, in addition 4 adjournments were agreed, and 9 applications scheduled for a hearing were resolved or withdrawn shortly before the hearing was due to take place. This represents an increase of 26% on the previous year, which is on par with pre-coronavirus levels. A list of cases referred to the Licensing Sub-Committee is attached as Appendix A to this report.

Table 4 - Granted under delegated powers

	2024	2023	2022	2021
Licensing Act 2003				
New Grant	50	46	63	76
Full Variation	18	20	30	20
Minor variation, transfer, vary DPS,	333	321	333	343
Personal Licences	66	71	62	58
% premises licences issued on time	86%	89%	92%	75%
Special Treatment	296	301	267	353
Pavement and Tables and Chairs Licences	549	526	378	647
Other licences and registrations	11	12	17	21
Total	1323	1297	1150	1518

2.9 2024 has been another very busy year for the Licensing Team. The number of applications and notifications overall has increased over the past 12 months and is back to pre-coronavirus levels, and the volume of general enquiries and email traffic, which increased substantially in 2020 and 2021, remains high.

3. Licence Suspensions

3.1 Members will be aware that following an amendment to the Licensing Act 2003 in April 2012, the licensing authority is now required to suspend licences for non-payment of annual fees. This has reduced the burden on officers trying to recover late or unpaid fees, and licensees are now sent an invoice for their annual fee one month before its due date, with reminders sent 21 and 31 days after the initial invoice. The licensing team aims to issue suspension notices for any non-payments within 14 days of the actual due date.

3.2 During the period 1 January 2024 to 31 December 2024, **198** suspension notices

were issued for non-payment of the annual fees and **84** licences were subsequently suspended.

3.3 At the time of writing the report **16** licences remain suspended, all of which are either closed or are not providing licensable activities. Officers will continue to monitor these premises to ensure that licensable activities do not take place while the licences remain suspended.

3.4 Table 5 below sets out the number of suspensions notices issued, licences which have been suspended and licences which have lapsed or been surrendered in the past year, and a comparison with the previous 3 years.

Table 5 – Suspensions, lapsed and surrendered licences

	2024	2023	2022	2021
Suspension Notices	198	207	231	36
Suspended	84	66	83	18
Lapsed	17	15	13	5
Surrendered	23	28	26	21

* The issuing of suspension notices was halted in March 2020 due to the Coronavirus pandemic and did not resume until December 2021

4 Planned Inspections and Enforcement

4.1 The Licensing Team aims to inspect premises at intervals that reflect risk associated with the premises (“risk assessment”). Officers’ assessment of risk takes into account whether or not there have been any licence breaches or complaints, fire safety, general housekeeping, and the confidence the officer has in the management of the premises.

4.2 Premises rated as “high” are due to be inspected at least once every 9 months and “medium rated” premises every 18 months.

4.3 As agreed by Committee on 21 November 2012 premises rated “low” and “very low” risk are no longer visited under the planned inspection regime as these premises have good operational management and are not the source of complaint to the Council, Police, or other responsible authorities. These low risk premises will only be targeted for inspection if the operation of the premises changes, and they come to the attention of regulators, in which case the “risk rating” will change accordingly.

4.4 In the past year Licensing Enforcement Officers completed **204** risk assessed inspections, focusing on premises which were previously unrated, high, or medium rated, and those which were previously low rated but where complaints had been received. Table 6 below shows a comparison with the number of risk rated inspections for the previous 3 years.

Table 6 – Risk Assessed Inspections

	2024	2023	2022	2021
High	72	117	84	72
Medium	56	51	54	12
Low	10	9	14	6
Previously unrated	66	31	15	27
Total	204	208	167	117

4.5 A further 80 risk assessed inspections were carried out on licensed special treatment premises and 15 on licensed gambling premises

4.6 Licensing Enforcement Officers also received and investigated **218** complaints during 2023. A summary of the type and number of complaints is shown in Table 7 below.

Table 7 - Complaints

Complaint	No of instances
Allegation of breach of licence conditions	43
Noise from licenced premises	59
Unlicensed premises/Lapsed licence	22
Miscellaneous licensing complaints	94
Total	218

4.7 Officers liaised with licensees and businesses regarding each of these complaints and in the majority of cases advice was given.

4.8 30 premises were found to be operating in breach of one or more licence conditions, which resulted in 23 verbal warnings and 6 written warnings being issued. At the time of writing the report one case was still under investigation. Details of the breaches found are shown in Table 8 below.

Table 8 – Breaches of conditions

	No of instances
No record of refusals, dispersal/delivery policy or staff training records	6
Operating without a licence or after permitted hours	3
No Age Verification Policy/Signage	2
Failing to display “leave quietly” or other notices	10
No incident or complaints log	6
Using forecourt or outside terrace after hours	4
Noise from music/plant or windows and doors open in breach of condition	4
Breaches of special treatment licence conditions	2
No copy of licence on display	3
Selling high ABV beer, or other alcohol related special conditions	5
CCTV not installed/working	2
Other breaches	4
Total	51

5. Other Substantive Work Undertaken/Completed

The Team continue to explore ways to continually improve our services and ensure that customer engagement establishes whether the quality of our services to businesses and residents are fit for purpose. Subsequently the Team continues to work with others including partner agencies, event organisers, and Council colleagues to ensure that premises are properly licensed and safe for staff and the public.

- **Notting Hill Carnival**

The team collaborated with Notting Hill Carnival Ltd., partner agencies, and all teams involved in managing the carnival. Licensing Enforcement Officers were on duty over the August Bank holiday weekend to ensure that no unauthorised licensable activities occurred, and that licensed premises adhered to their license conditions. Several warnings were issued when officers encountered these issues. This year, initial warnings were sufficient to prevent any alcohol seizures. There were some issues with sound systems. Additionally, there was an incident at one of the sound systems on Monday, 26th August 2024, where a male sustained deep lacerations to the neck, left side of the head, three deep cut wounds on the right thigh, two cuts on the legs, and two cuts on the right hand. This incident is still subject to both a Police and Licensing investigation.

- **Chelsea Christmas Lights Switch On, Duke of York Square and King's Road, SW3**

The Chelsea Christmas Lights Switch On event has historically been conducted under Temporary Event Notices. However, due to increasing attendance, the organisers approached Licensing Officers for advice on transitioning to a premises licence.

A meeting was subsequently held between licensing officers, the event organisers and representatives from the Cadogan Estates.

Officers were informed that the event was proposed to take place between the hours of 10:00 and 18:00 on the Saturday following Remembrance Day and comprise of:

- Roaming entertainment – e.g. stilt walkers, singers, dancers, choirs, face painters
- Amplified music – from stage on Duke of York Square and live feed on screens along King's Road
- Alcohol and Food sales by local businesses and market traders

The application for a premises licence was duly submitted and a 4 year licence was subsequently granted in November.

- **Chelsea Football Home Games**

Licensing Enforcement Officers continue to engage with operators regarding high-risk games. In collaboration with the Police, these officers have been visiting premises to ensure compliance with match day conditions and general management of licensed premises. This has resulted in a notable reduction in complaints received by the Licensing Team.

- **Business and Planning Act 2020**

On 22 July 2020, the Business and Planning Act 2020 came into effect.

This Act introduced several temporary and permanent measures to enable certain business sectors to reopen and operate in a socially distanced manner, addressing the ongoing risks posed by Coronavirus pandemic.

Key measures introduced included:

- Premises previously licensed for on-sales of alcohol only, now permitted to provide off-sales.
- Suspension of existing licence conditions that prohibited off-sales or restricted the hours during which off-sales could occur.
- Suspension of existing licence conditions that prevented the sale of alcohol in open containers or its delivery.
- Fast-track pavement licensing.
- Immediate temporary changes to planning procedures in England and Wales, facilitating outdoor seating and service for customers.

The provisions related to pavement licensing were made permanent last summer, and those relating to off-sales were extended until 31 March 2025.

In the Borough, 268 premises are licensed for on-sales only. Many of these establishments have benefited from the Business and Planning Act's introduction, with numerous licensees taking advantage of the al fresco opportunities provided by the Act, especially given the minimal legal processes involved. Licensing will be contacting relevant premises currently licensed for on-sales only, informing them that if they wish to continue offering off-sales permanently beyond 31 March 2025, they will need to vary their premises licence.

- **Animal Welfare Licensing**

The team has observed a rise in the number of premises licensed under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, particularly for dog day care services. Officers have also noted an increase in enquiries from individuals seeking to offer dog day care services within the Borough.

- **Pre-Application Advice Service**

The Team offers a pre-application advice service to support licensing applications made under the Licensing Act 2003. The aim is to help businesses mitigate any problems which may arise during the application process. However, the Officers advice cannot prejudice the outcome of the

licensing application, especially if representations are received and a hearing takes place before the Licensing Sub-Committee. Last year officers dealt with many pre-application requests such as, the Chelsea Christmas Lights Switch On, Natural History Museum (the new café area) and proposals for 3 new licensed units within King's Road.

- **Joint Working/Multi-Agency Visits and Inspections**

The Team carried out several multi-agency inspections with partners, including the Metropolitan Police, Trading Standards, Noise and Nuisance, and Health and Safety. These visits and inspections focused on late-night checks, verification of licence conditions, unauthorised alcohol sales and other licensable activities and illegal smoking in both licensed and unlicensed premises.

Premises along Notting Hill Gate

During a visit to an unlicensed establishment along Notting Hill Gate in September 2024, officers from Licensing, Trading Standards, and the Metropolitan Police discovered alcohol products for sale and other items displayed without proper labelling. A significant quantity of alcohol, tobacco, and vapes was found in the storage areas of the premises. Officers seized over 1,000 alcohol products, more than 300 vapes, 57,700 cigarettes, and 9.3kg of rolling tobacco.

This happened despite Licensing Enforcement officers previously warning the premises that they did not have a premises licence, after staff sold alcohol to undercover council and police officers weeks apart.

The seizure is now part of an ongoing investigation and as such, the premises cannot be named at this time.

Health Act 2006

Licensing Officers, along with Metropolitan Police and Trading Standards Officers visited several premises throughout 2024 who were allowing products such as shisha to be smoked in areas deemed to be substantially enclosed, in contravention of the Health Act 2006.

These visits are part of an ongoing investigation so these premises cannot be named at this time.

However, officers are pleased to report on joint visits with Trading Standards and Police that took place in 2022 and 2023 to a premises in Beauchamp Place, which was licensed under the Licensing Act 2003 for alcohol and late night refreshment. The licence for this premises expired in September 2023.

Last month, Creative Shop Ltd and others, were convicted of offences under the Health Act 2006 and Tobacco and Related Products Regulations and ordered to pay £11,500 in fines, a £4,600 victim surcharge plus £2,379 towards the Council's legal costs following a hearing at Westminster

Magistrates Court. Officers do not know whether further premises licences will be sought in the immediate future

- **Review of the Statement of Gambling Policy**

The Gambling Act requires all licensing authorities to prepare, consult on and publish a Statement of Gambling Policy every three years, setting out how the authority will manage the licensing of local gambling premises. The Council has now completed the seventh revision of its Statement of Gambling Policy, which was adopted by Full Council at its meeting on 27 November 2024 and came into effect on 6 January 2025.

The Team are also in the process of reviewing the Council's Statement of Licensing Policy which is due to come into effect January 2026. There will be a minimum 12-week consultation period and the Team will write to Members at the start of the consultation. Unlike the Gambling Policy, the Licensing Policy must be reviewed at least every 5 years.

6. Financial Implications

6.1 None

7. Legal Implications

7.1 The Licensing Act 2003 provides that the discharge of the Licensing Authority's "licensing functions" must be discharged by the Licensing Committee. Although the Licensing Committee can and has delegated all those functions to Officers except those which are precluded from being delegated under the Act. The Act confirms that Officers cannot determine certain types of applications, including applications for the grant or variation of a premises licence or a club premises certificate, where representations have been made and not withdrawn. Similarly, the Council's Statement of Licensing Policy must be considered and approved by Full Council.

7.2 In terms of the Licensing Act 2003, the Licensing Committee must carry out its licensing functions with a view to promoting the licensing objectives.

8. Equalities Implications

8.1 S.149 of the Equality Act 2010 places a duty on local authorities to have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity between people who share a protected characteristic and to encourage good relations between those who share a protected characteristic and those who do not. The Council has had due regard to this duty when carrying out all of its licensing functions.

9. Recommendations

9.1 The Committee is asked to note the contents of this report.

For Information

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Background papers used in the preparation of this report:
"Performance Indicators for the Licensing Team" report of 1st May 2007

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