

Licensing Committee

Mon 14th Dec
2009
7.00 pm

Committee Room 2
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL



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Licensing Committee

14th December 2009

7.00 pm

Committee Room 2 Town Hall

Agenda

Membership:

Cllrs:	M Braley (Chair)	W Hartnett
	K Banks (Vice-Chair)	N Hicks
	M Chalk	D Hunt
	A Clayton	W King
	J Cookson	J Pearce
	D Enderby	D Smith
	J Field	D Thomas
	A Fry	

<p>1. Apologies</p>	<p>To receive the apologies of any Member who is unable to attend this meeting.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interests they may have in items on the agenda.</p>
<p>3. Minutes (Pages 1 - 6)</p>	<p>To confirm as a correct record the minutes of the meeting of the Executive Committee held on (Minutes attached)</p>
<p>4. Petition - Hackney Carriage Fare Tarrif Head of Environment</p>	<p>To receive a report in respect of a petition received in respect of Hackney Carriage Fare Tariff 2010. (Petition previously circulated) (Oral report) (No Specific Ward Relevance)</p>
<p>5. Licensing Act - Annual Report (Pages 7 - 18) Head of Environment</p>	<p>To consider an annual update on the Licensing Act 2003. (Report attached) All Wards</p>
<p>6. West Mercia Police</p>	<p>To consider an update from West Mercia Police. (Oral report) All Wards</p>

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<p>7. Worcestershire County Council - Trading Standards</p>	<p>To consider an update from Trading Standards, Worcestershire County Council.</p> <p>(Oral Report)</p> <p>All Wards</p>
<p>8. Premises Licensing - Update</p> <p>(Pages 19 - 36)</p> <p>Head of Strategy and Partnerships</p>	<p>To consider an update on the implementation of recommendations arising from the visit to Cardiff in 2007.</p> <p>(Report attached)</p> <p>All Wards</p>
<p>9. Work Programme 2009 - 2011</p> <p>(Pages 37 - 38)</p> <p>Chief Executive</p>	<p>To consider and review the Committee's Work Programme.</p> <p>(Report attached)</p>
<p>10. Exclusion of the Public</p>	<p>It may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to the following items of business on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information (Variation) Order 2006, the public may be excluded from the meeting for the following matters(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p>



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MINUTES

Present:

Councillor Michael Braley (Chair), Councillor Kath Banks (Vice-Chair) and Councillors A Clayton, J Cookson, J Field, A Fry, W Hartnett, N Hicks, D Hunt and J Pearce

Officers:

S Garratt and G Revans

Committee Officers:

Denise Sunman

5. APOLOGIES

Apologies for absence were received on behalf of Councillors D Smith and D Thomas.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 28th September 2009 be confirmed as a correct record and signed by the Chair.

8. LICENSING - SERVICE STANDARDS

Members considered a report which sought endorsement of the Licensing Service's written Service Standards.

Officers reported that although there were no statutory requirements for the Council to publish Licensing Service Standards it had been recognised as good practice to provide written standards that indicate the level of service that customers can expect from the Service.

.....
Chair

RESOLVED that

the Licensing Service Customer Standards, as amended and detailed below, be approved and published.

Licensing Service Customer Standards

The Licensing Service

The Licensing Section operates in connection with the Council's role as the Licensing Authority for the Licensing and Gambling Acts and the Local Authority for the regulation of all other licensable activities. We work in partnership with the Police, Trading Standards, Businesses, Residents and other partner organisations.

Through advice and enforcement we seek to ensure high standards of operation from the premises and the services we licence.

It is the Licensing Service's intention that all licence applications will be dealt with promptly. However, many delays are caused by applicants who fail to submit all required documents.

Each licence or registration is considered in accordance with statute law, case law, any appropriate Council policy, the requirements of the Enforcement Policy and any applicable code of practice, guidance or condition.

In addition to the consultation, administration and licence production processes most applications require an inspection of the proposed premises or vehicle by officers of the Council.

The Licensing Service will when dealing with the investigation of complaints or possible breaches of licence conditions take enforcement action in line with our enforcement policy to ensure fairness and consistency.

Complaints and Compliments

If we do things well please tell us; but if you have a complaint please speak to the member of staff who has been dealing with you. They may be able to sort it out straight away. Alternatively, ask to speak to the manager. Complaints give us the chance to put things right and improve how we do things in the future. If you are still not satisfied we can give you our leaflet "How to make a complaint or compliment" which fully explains the formal complaints

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procedure. We are determined to provide quality, customer focussed services.

Licensing Service Customer Standards	How will they be measured?	Measuring Frequency
We will investigate and resolve complaints made in relation to premises or services we licence within 2 months.	Excel Enforcement Spreadsheet	Quarterly
We will consult in accordance with Statutory requirements on all licensing matters.	Post book	Monitored yearly
Application packages for all licences will be issued within 5 working days of receipt of request	Post book	Monitored quarterly
All Premises Licences will be issued within 5 working days of public notices being completed if all papers are submitted and are complete and no representations are received.	Post book	Monitored quarterly
All licensed vehicles will have safety tests carried out within 28 days of the appointed date.	Caps Uniform	Monitored Monthly
All medical examinations and CRB applications for drivers will be renewed applied for within 28 days of the expiry the original documentation and in any case prior to the renewal of a licence.	Caps Uniform	Monitored Monthly
Inspections: Licensing Act 2003 - Premises Licenses – Alcohol, Entertainment and Late Night Refreshment.	Caps Uniform and Officers Excel Spreadsheet.	Quarterly

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<p>A representative sample of premises and all premises which have been the source of complaints or other problems will be inspected prior to the issue of a licence. All premises will be subject to a “during performance” inspection by the Enforcement Officer usually in company with the Police.</p>		
<p>Gambling Act 2005 – Premise Licence – Betting, Bingo and Amusement Arcades.</p> <p>All premises will be inspected prior to the issue of a licence.</p>		
<p>Taxis - Hackney Carriage Vehicles and Drivers, Private Hire Operators, Vehicles and Drivers.</p> <p>All applicants will be interviewed and all vehicles inspected prior to the issue of a licence.</p> <p>Licensing will work in partnership with VOSA and the West Mercia Police to ensure all licensed vehicles are kept in a roadworthy condition and fit for purpose.</p>		

9. SECURITY INDUSTRY AUTHORITY (S.I.A.) DOOR SUPERVISORS

Members considered a report that sought endorsement of an application by the Council to the Security Industry Authority (S.I.A) for written authorisation, which would enable Licensing Officers to carry out entry and inspection powers in accordance with Section 19 of the Private Security Industry Act (2001).

Officers reported that such powers would prevent and detect offences in relation to door supervisors employed on Licensed Premises within the Borough on behalf of the S.I.A. and aid the Council's Licensing Officers in the enforcement and management of community safety and the night time economy in partnership with the Police. All enforcement visits to Premises Licensed under the Licensing Act (2003) would comply with the SIA Enforcement Policy Code of Practice.

RECOMMENDED that

an application to the Security Industry Authority (S.I.A.) for written authority be approved to enable Licensing Officers to carry out powers authorised by the Private Security Industry Act (2001).

10. GAMBLING ACT - REVISED STATEMENT OF GAMBLING PRINCIPLES

The Committee considered a report that requested the Council's adoption of the revised Statement of Licensing Principles in accordance with Section 349 of the Gambling Act 2005.

Officers reported that the revised Statement of Licensing Principles had been produced in consultation with neighbouring Local Authorities in Worcestershire, Hereford and Worcester Fire Authority and MS Entertainments Ltd (Shipleys) Ltd.

Members were informed that, once adopted, the revised Statement of Licensing Principles would form the basis on which decisions would be made under the Gambling Act (2005) by the Licensing Committee, its Sub-Committees or Officers. Any subsequent changes to the review would require full consultation with a wide range of statutory bodies. By order of the Secretary of State, Licensing Authorities must publish the revised Statement of Licensing Principles by 14th January 2010.

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RECOMMENDED that

the revised Statement of Licensing Principles under the Gambling Act (2005), as detailed in Appendix 1 of the report, be adopted and added to the Council's Policy Framework.

11. WORK PROGRAMME

Members considered the Committee's Work Programme 2009/11. Officers reported that informal invitations had been extended to West Mercia Police and Worcestershire County Council's Trading Standards to give updates to future meetings. Officers would amend the Work Programme once dates had been identified.

RESOLVED that

the report be noted.

The Meeting commenced at 7.02 pm.
and closed at 7.50 pm.

.....
Chair

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No Specific Ward Relevance

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LICENSING ACT 2003 – ANNUAL UPDATE

(Report of the Head of Environment)

1. Summary of Proposals

This report provides an annual update on the Licensing Act 2003. This report is an overall view of functions carried out under the Act by the Licensing Team. It shows how Licensing Officers are developing working practices and procedures in partnership with the responsible authorities and Community Safety to ensure licence holders comply with all relevant legislation and that our licence trade contribute to a safe and successful night time economy.

The annual report includes at Appendix 1 a register of applications, temporary event notices, personal licenses and all other functions carried out under the Act.

2. Recommendations

The Committee is asked to RESOLVE that

The Annual report on the Licensing Act 2003 be noted.

3. Financial, Legal, Policy Risk and Sustainability Implications

Financial

3.1 There are no financial implications within this report.

Legal

3.2 The Council is responsible for carrying out the licensing function under the Licensing Act 2003. The Act regulates the sale of alcohol, the provision of entertainment, and late night refreshment.

3.3 The Council has delegated its licensing function to its Licensing Committee, Sub Committees and Licensing Officers referred collectively to as the "Licensing Authority".

Policy

- 3.4 The Statement of Licensing Policy was prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State under section 182 of the Act. The Council's Policy was adopted and came into force on the 7th February 2008.
- 3.5 The Statement of the Licensing Policy is a live document, subject to review to meet the changing needs of the community, business circumstances and legislation.
- 3.6 A formal review of the policy and further consultation should be undertaken every three years and the next scheduled review will be carried out during 2010 and in place by end January 2011.

Risk

- 3.7 There are no risk implications within this report.

Sustainability / Environmental

- 3.8 There are no sustainability or climate change implications, however, the night time economy can have a major impact on the environment i.e. litter, noise etc.

Report**4. Background**

- 4.1 The Council must promote the four licensing objectives which are:

- a) Prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

4.2 The Prevention of Crime and Disorder

The Licensing Authority also has a duty under Section 17 of the Crime and Disorder Act 1988 to do all it can to prevent Crime and Disorder in the District. The Licensing Authority works closely in partnership with all other relevant bodies and works towards the exchange of intelligence where ever possible to prevent Crime and Disorder.

4.3 Public Safety

The Licensing Authority works in partnership with West Mercia Police and other responsible authorities to ensure the safety of the public who use licensed premises. A targeted approach to

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- inspection and enforcement of licensed premises has been implemented.
- 4.4 **The Prevention of Public Nuisance / anti social behaviour**
The Licensing Authority has taken an objective view following relevant representations as to the potential for nuisance and anti social behaviour and has worked with the responsible authorities and the applicant to mediate and has attached appropriate and proportionate conditions to the licences and certificates in agreement with all parties where necessary in order to prevent it.
- 4.5 **The Protection of Children from Harm**
The Licensing Authority recognises that there are a range of activities for which licences may be sought, meaning that children can be expected to visit many of these premises, sometimes on their own, for food and/or other entertainment.
- 4.6 The Licensing Act 2003 allows access by children to licensed premises subject to certain statutory restrictions. For example, children are allowed to be on premises, or part of premises, where the primary function is other than the retail sale of alcohol.
- a) Licensing Officers are continuing to work together with the responsible authorities to improve exchange of intelligence to those who have a concern in the protection of children from harm; including the West Mercia Police, Trading Standards and the Safeguarding Children Board.
- b) Officers of the Worcestershire Trading Standards have conducted a programme of test purchases to Shops and off licences in Redditch to assess breaches of selling alcohol to young persons.
- 4.7 The Council's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact on local residents. Licenses we issue under the Licensing Act 2003 are:
- a) Personal Licence
b) Premises Licence
c) Temporary Event Notice
- 4.8 The Licensing Authority is responsible under the Act for granting licences for any licensable activity, namely:
- a) The sales by retail of alcohol
b) The supply of alcohol by or on behalf of a club or, to the order of a member of the club.
c) The provision of regulated entertainment and
d) The provision of late night refreshment

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- 4.9 Late night refreshment means the sale of hot food or drink to members of the public between the hours of 11pm and 5am.
- 4.10 Regulated entertainment provided in the presence of an audience for the purpose of entertaining that audience, which consists of:
- a) The performance of a play
 - b) The exhibition of a film
 - c) An indoor sporting event
 - d) Outdoor boxing or wrestling
 - e) A performance of live or recorded Music
 - f) A performance of Dance.
- 4.11 The Licensing Authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The Licensing Authority is working together with all interested parties, statutory agencies and licensed business to ensure a mutual co-existence.

5. Key Issues

- 5.1 There have been 22 complaints made to environmental health regarding noise issues from licensed premises this year. Some have been resolved very quickly through mediation, letter or advice, by Environmental Health Officers and Licensing Officers working in partnership whilst others have been prolonged, requiring the gathering of evidence.

Loud music	19
Humming Noise – machinery	2
People noise	1

- 5.2 On 1st July 2007 legislation became effective to control all smoking in enclosed public spaces, and workplaces, including shops, pubs, restaurants and public vehicles (transport). The main purpose is to protect employees and the public from the effects of second hand smoke.
- 5.3 198 visits were made to premises during the first year of this legislation being in force and since then it is evident that:
- a) Trade in licensed premises has been reduced through the no smoking policy.
 - b) Smoking issues have been self policing.
 - c) No fixed penalties have been required/issued to licensees.

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- 5.4 The number of complaints which have been investigated by the Licensing Officer for Project, Liaison and Enforcement for smoking on licensed premises:

Smoking on Licensed Premises	2
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- 5.5 The following complaints have been investigated by the Licensing Officer for West Mercia Police and the Licensing Officer for Project Liaison and Enforcement

Breach of Licensing Conditions	1
Irresponsible drinks promotions	1

- 5.6 No permission is required from the Licensing Authority in relation to Temporary Event Notices. This is a notification scheme; the only responsible authority who can object is the Police; who must then serve a counter notice. Premises may have up to 12 events in any one year.

- a) 40 Notices were served on the Council. No counter notices were received from the Police.
- b) No premises used their full quota of temporary events and therefore no advice was issued regarding the need for a Premises Licence.
- c) No problems using this system have been reported to the Council.

- 5.7 The Licensing Authority works towards the proper integration of its Licensing Policy with other strategies adopted by the Council for example the Enforcement Policy – using a graduated approach including advice, guidance and then enforcement/court action only if necessary.

- 5.8 Where relevant representations have been made, any Conditions attached to premises licences have reflected so far as possible local crime prevention strategies.

- a) The Licensing Authority has taken account of the local Crime and Disorder Reduction Partnership and the Licensing Manager regularly attends these meetings.
- b) The Licensing Authority has made comment on various government transport strategies, which touch on the provision of night-time and evening services including the recent Consultation on Improving Access to Taxis.

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- c) The Licensing Authority has ensured that planning, building control and licensing functions have been properly separated to avoid duplication and inefficiency.
 - d) The Licensing Authority has conducted itself in a way that has promoted good race relations with due regard to the need to eliminate unlawful discrimination.
- 5.9 Pubwatch - The Licensing Authority has consulted with the representatives from licensed premises and other appropriate bodies by attending the Pubwatch meetings; these meetings are held on a monthly basis, and are attended by most of the town centre licensed premises managers, West Mercia Police, CCTV staff and licensing staff. A member of the Licensing team will continue to attend on a regular basis to discuss and keep under review matters relating to licensing.
- 5.10 Enforcement/Licensing Forum - The Council's Statement of Licensing Policy states that the Licensing Authority would establish protocols with local police and other relevant authorities. The protocols will set out how the Enforcement will be effected by cooperative working between the Licensing Authority (which has certain enforcement duties) and the Police and other Responsible Authorities and gathering evidence on problem premises.
- 5.11 Local Police and Trading Standards have asked for the Statement of Licensing Policy to be reviewed with a view to giving it "more teeth" but a recent Home Office programme of training on Licensing Enforcement confirmed that areas where there are high instances of alcohol related problems (as there are in Redditch) tend to be those where robust enforcement protocols do not exist.
- 5.12 The responsible authorities and the licensing authority signed up to an enforcement protocol co-written by previous forum members. This document is due to be reviewed by the licensing forum with a view to ensuring a more robust response by all agencies.
- 5.13 The Home Office has also promoted active Police evidence gathering to identify problem premises.
- 5.14 When a more robust enforcement protocol is in place and implemented the Licensing Authority will then be in a position to fulfil its enforcement role under the legislation, by way of Reviews of premises instigated by the responsible authority, as envisaged by the Licensing Act.
- 5.15 The comments made by the local Police and Trading Standards regarding the countywide Statement of Licensing Policy have been taken forward to the Countywide Licensing Officers group and it has

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been agreed by the group that those comments should be included within the formal review of the Statement of Licensing Policy due to be implemented early next year. The Police and Trading Standards will also have an opportunity to make further recommendations at that time should they wish.

- 5.16 The Licensing Forum established with the help of CDRP holds quarterly meetings to discuss the wider issues of licensing with responsible authorities.
- 5.17 The Licensing Forum has now been split to form a sub group. This sub group has been formed so that monthly meetings of the responsible authorities can be held to work in partnership to target problem premises and co-ordinate enforcement action. This group will meet as and when necessary.
- 5.18 Out of Hours and Daytime Inspections - Premises in the district are inspected late at night and at weekends periodically by a Licensing Officer in partnership with the West Mercia Licensing Officer for Redditch PC Neil Sharpe. Joint daytime inspections are also conducted and both Officers act in advisory roles to Licensees to ensure that premises are run in accordance with conditions and the operating schedule of the premises.
- 5.19 Officers gather intelligence on any change in status which may give rise for concern for responsible authorities or the Licensing Authority. For example a change in the DPS (Designated Premises Supervisor) which has not been notified to the Council.
- 5.20 The Community Safety Team, the Police and Trading Standards co-operated to produce a joint risk assessment of a number of high risk on and off premises in the first quarter of 2009. The findings of this work informed the selection of premises targeted through the Home Office funded "Due Diligence Audit" programme.
- 5.21 The Community Safety Officers, Councillors and Licensing Officers have received feedback from the auditors regarding those premises that were targeted for the Due Diligence Audit and the improvements that this Audit has made.
- 5.22 Early Intervention - Where complaints are made against premises, or where there is a concern by Officers that there is a failure of general management, an early intervention programme is commenced. It may be that this information comes via the Police Licensing Officer prompting a joint visit to engage with the Licensee and the Brewery Area Manager.
- 5.23 This action accords with the Enforcement Policy and National Guidance to follow three distinct stages, (Traffic light warnings)

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- | | | |
|----|--|---------|
| a) | Advice | (green) |
| b) | Written warning | (amber) |
| c) | Licence Review / Court Action for
Breach of Statute / Licence Condition | (red) |
- 5.24 Officers work with the representatives and responsible authorities to achieve a resolution to any problems. This method of working has only recently been implemented and is still in the early stages of development.
- 5.25 SIA (Security Industry Authority) – Authorisation to carry out inspections on behalf of the SIA has been endorsed by Councillors at the meeting of the Licensing Committee on 2nd November 2009. Application forms have now been sent to the SIA for individual officers to be authorised and the first inspection of door staff working in Redditch has been agreed with the SIA, West Mercia Police and Licensing Officers as a training exercise in December. Further inspections are planned for the future.
- 5.26 County Licensing Officers Working Group - The responsibility of the Licensing Authority is created by statute and is administered by the district Licensing Officers operating within the county of Worcestershire. To prevent legal challenge, it is important that the Licensing function is operated in a consistent way, both through local offices and the Worcestershire Hub. To achieve this aim, Officers meet on a regular basis to share information on services and to engage in the drafting of Licensing Policies. This has been a successful formula over the past three years to provide common Licence Application Forms, Policy and Guidance Notes throughout the County. The Licensing Manager for Redditch is currently the chair of this working group.
- 5.27 The Institute of Licensing is a National organisation of England and Wales and is divided into regions. It offers direction to local authorities on new legislation and training. Membership of this organisation is by way of an eligibility criteria and this Council is a member of this organisation and a contributor to the Institute through your Licensing Manager having the necessary qualification in Licensing Law.
- 5.28 Professor Colin Manchester of the Faculty of Law, University of Warwick has undertaken research of the Licensing Act 2003 and for the past 12 months has engaged with Wyre Forest District Council (as a small authority) to study its administration of the Licensing Act. In 2009, research will also extend to Solihull Metropolitan Council, (a medium sized authority) and to the Birmingham City Council, (as a large authority). Wyre Forest District Councils administration of

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Licensing has been under scrutiny, and Redditch Borough Council has benefited from the advice and guidance given through the Licensing Officers Group. Professor Manchester attended the review training given jointly to Members and other authorities by Officers of Redditch and Wyre Forest and gave positive feedback at its conclusion.

- 5.29 It is paramount that Members receive regular and modern training in the matters of Hearings and Reviews (Licensing Act 2003) and that every opportunity is shared to reduce cost.
- 5.30 Redditch Borough Council Licensing Officers worked with Wyre Forest District Council Licensing Officers to provide training on Reviews under the Licensing Act 2003 at Redditch on 12th February 2009.
- 5.31 Community Safety highlighted the lack of information members had received regarding the Licensing Act 2003.
- 5.32 Licensing Officers responded to this need; produced and distributed a handbook for Members which contained a copy of the Licensing Act 2003, the guidance under Section 182, a Jargon buster and Lacors guidance on the role of the elected Member. It also contained Redditch Borough Councils Statement of Licensing Policy. Each Licensing Committee Member was issued with one in August this year.
- 5.33 The handbook was considered good practice by Walsall Council.
- 5.34 A copy of the Public Register can be found at appendix 1.

6. Other Implications

- Asset Management - None.
- Community Safety - Licensing and the regulation of the night time economy plays a key role in the prevention of crime and disorder. There is a real fear of alcohol related violence and crime.
- Human Resources - None.
- Social Exclusion - None.

7. Lessons Learnt

- 7.1 The Statement of Licensing Policy is due to be formally reviewed in 2010 and has to be implemented by early January 2011. The last

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formal review of the policy took place in 2007 and no responses to the consultation were received at that time. The review of the policy has to include all stakeholders and the responsible authorities. Since the consultation in 2007 Issues have been raised by two of the responsible authorities; the Police and Trading Standards regarding the countywide policy statement and this has highlighted whether the consultation process was robust enough and whether the countywide officers should be inviting responsible authorities to their group meetings during the consultation process.

- 7.2 It was decided by the countywide Licensing Officers group that the responsible authorities should be invited to a meeting during the consultation process to discuss any comments they may have regarding any proposed changes to the policy and this would be implemented during the next formal consultation in 2010.

8. **Background Papers**

Statement of Licensing Policy - Redditch Borough Council
Licensing Act Guidance
Crime and Disorder Act 1988

9. **Consultation**

This report has been prepared in consultation with relevant Borough Council Officers and;

West Mercia Police
Trading Standards

10. **Author of Report**

The author of this report is Sue Garratt (Licensing Manager) who can be contacted on extension 3032 (email: sue.garratt@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 - Licensing Act 2003 Public Register.

THE PUBLIC REGISTER
Number of Licences at December 2009

Personal Licences	446
Premises Licences	198
Club Premises Certificates	24

Number of Licence Applications Received for the Year 2009

Personal Licences	51
New Applications for Premises Licences	7
Applications to Vary Premises Licences	4
Applications to Vary the Designated Premises Supervisor	36
Application to Transfer Premises Licences	8
Temporary Event Notices	40

Number of Licences which have required Hearings / Review / Appeals 2009

Hearings	0
Reviews	0
Appeals to Magistrates Court	0

Number of Licences that have ceased to trade / lapsed licences

Ceased to trade / lapsed licences (last 3 years)	2
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Number of Complaints made against Licensed premises

Complaints Total	2
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No Specific Ward Relevance

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PREMISES LICENSING - UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS ARISING FROM VISIT TO CARDIFF, 2007

(Report of the Head of Strategy and Partnerships)

1. Summary of Proposals

This report provides an update on progress made in implementing recommendations made by Redditch Community Safety Partnership designed to prevent and reduce violent crime and disorder associated with licensed premises and the wider night-time economy.

These recommendations affected Redditch Borough Council services and other local agencies, and were contained in the report "Findings from visit to Cardiff – licensing and regulation of the night time economy" (abbreviated to "the Cardiff Report") which was presented to the Licensing Committee in December 2007.

2. Recommendations

The Committee is asked to RESOLVE that the report be noted.

3. Financial, Legal, Policy Risk and Sustainability Implications

Financial

- 3.1 Progress in implementing recommendations from the Cardiff Report has generally been financed from current resources.
- 3.2 In respect of the provision of accredited licensing training, it has been necessary for Officers working through the Community Safety Partnership to bid for and win a one-off external grant of around £2,500 to finance this.

Legal

- 3.3 The licensing system is primarily governed by the statute, regulations and guidance of the Licensing Act 2003. One of the four primary objectives of the Licensing Act is "the prevention of crime and disorder".

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Further, section 17 of the Crime and Disorder Act 1998 requires Redditch Borough Council to have due regard to the likely effect of the exercise of each of its functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The recommendations made in the Cardiff Report aim to help the Council to meet these duties.

Policy

- 3.4 As the local licensing authority, Redditch Borough Council is required to have in place a statement of licensing policy that sets out its general approach to making licensing decisions and how it will promote the licensing objectives. The Council is required to review this statement at least once every three years. The current licensing policy covers the period 2007 – December 2010.

Risk

- 3.5 Decisions made by the Licensing Sub-Committee in respect of licence applications, variations and reviews can be appealed which carries a risk of costs being awarded against the Council.
- 3.6 Any failure to appropriately apply statutory Licensing requirements either in the operation of Officer delegated authority, or in Committee practice, may lead to challenge and undermine the Council's ability to impact on the prevention of Crime and Disorder in the Borough.

Sustainability / Environmental / Climate Change

- 3.7 No Sustainability, Environmental, or Climate Change implications have been identified.

4. Background

- 4.1 During 2007, representatives from Redditch Borough Council, West Mercia Police, and Worcestershire County Council, undertook a review of the Community Safety Partnership's approach to regulating the local night-time economy (NTE) with the particular aim of reducing associated violent crime and disorder.
- 4.2 The review was based on national research showing a strong connection between alcohol, NTEs and violent crime & disorder. Further, the research identified that social and physical environmental factors in licensed premises predict levels of aggression, disorder and violence within and in the vicinity of these premises. It was observed that the licensing system provides a means of influencing and controlling premises' environmental factors.

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- 4.3 A key aspect of this review was a multi-agency visit to Cardiff, where local agencies had received national recognition for their approach to these issues.
- 4.4 In particular Cardiff's approach had been credited with achieving:
- a) A 30% reduction in hospital Accident and Emergency Unit attendance due to assault injury between 2003 and 2007.
 - b) Reductions in violent crime, which saw Cardiff make substantial improvements in its position relative to similar Community Safety Partnerships between 2002-03 and 2006.
- 4.5 A report containing the review findings and recommendations was published and endorsed by Redditch Community Safety Partnership (RCSP) in October 2007 ("the Cardiff Report").
- 4.6 The Licensing Committee received and endorsed this report at its meeting on 5th December 2007.
- 4.7 Fourteen recommendations were made in six key areas:
- a) Enhance intelligence gathering on premises.
 - b) Introduce regular, joint risk assessments for each premises.
 - c) Improve Officer and Member knowledge of licensing law and the local NTE.
 - d) Developing the ability to engage with licensed premises and modify their behaviour short of formal enforcement action
 - e) Strengthen the licence review and enforcement capabilities.
 - f) Integrate these components into an effective system.
- 4.8 Some of the above held direct implications for the Borough Council, and some more relevance to the various relevant partner agencies.
- 4.9 In August 2009, relevant Officers were requested to provide updates in relation to the report's recommendations. These updates are provided verbatim at Appendix 1.
- 5. Key Issues**
- 5.1 Since the publication of the Cardiff Report substantial efforts have been made by a range of agencies to implement the recommendations contained within the report.

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- 5.2 For the Borough Council the most significant progress has been the review of the Licensing Service Area within the Environmental Services Team, which led to new roles being defined, including a dedicated member of staff for enforcement, and new appointments being made to these key positions.
- 5.3 For the responsible authorities, particularly the Police, the greatest progress has been seen developing engagement with high risk premises and the strengthening of enforcement practice. There are numerous examples in Appendix 2 showing how firm engagement and the threat of enforcement can lead to premises taking action to reduce the risk their activities pose to the licensing objectives.
- 5.4 A number of initiatives targeting Officer and Member knowledge of licensing law have either been delivered - such as a mock licence review jointly delivered with Wyre Forest District Council - or are being prepared, including the accredited training in licensing law, guidance to responsible authorities on how to prepare for review proceedings and an annual monitoring report given by the Licensing Manager and responsible authorities to the Licensing Committee.
- 5.5 Some of the recommendations made around enhancing intelligence gathering have not been taken forward. For example the use of targeted covert surveillance, whilst not ruled out, has not been deemed to be appropriate or cost effective up to this point. Additionally, licence conditions have not been made available to the public and partner agencies online due to delays in the implementation of the new Borough Council website and the Licensing software system.
- 5.6 Progress in other areas of intelligence gathering has been better. Discussions between Officers representing RCSP and Worcestershire Drug and Alcohol Action Team (DAAT) have been ongoing with representatives of Worcestershire Acute Hospitals Trust. The aim of this has been to introduce a procedure that will allow data to be collected from patients who attend the Accident and Emergency Department having been assaulted. This data, once anonymised, will be passed to the Community Safety Team and Police to help identify patterns of disorder and otherwise unreported incidents. There is an agreement to pilot this procedure for one month and for it to be reviewed after this time.
- 5.7 For similar reason the Police have introduced and continue to use a de-facto "last drink" policy allowing them to routinely collect information about where offenders under the influence of alcohol have been drinking. This information is managed through the "Innkeeper" software system which holds all Police data relating to licensed premises.

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- 5.8 Risk assessment procedures have been used to assist with the premises engagement and maintain focus on premises associated with a high number of incidents and offences. Formal risk assessments have also been used to select venues to participate in the Borough's first licensed premises audit and award scheme: "Responsible Alcohol Retailers." However the risk assessment process is still heavily reliant on Police crime and incident data and due to resource constraints in the Community Safety Team has not been updated since January 2009.
- 5.9 A multi-agency licensing monitoring forum has been in operation since May 2008 to help co-ordinate risk assessment, engagement and enforcement activity. This forum has published terms of reference and is accountable to the Community Safety Partnership. Leadership of this forum has recently passed from the Community Safety Team to the Police.

6. Other Implications

- | | | |
|------------------|---|--|
| Asset Management | - | None identified (some Council premises are Licensed and therefore affected by this report. The Town Hall itself is one Town Centre venue.) |
| Community Safety | - | Licensing and the regulation of the night time economy plays a key role in preventing and reducing violent crime and disorder. |
| Human Resources | - | Revisions to the Council's staffing of the Licensing function have improved the Council's capacity in this area. Further revisions are under consideration as part of the current WETT (Worcestershire Enhanced Two Tier) project. |
| Social Exclusion | - | None identified. |

7. Lessons Learnt

Since the publication of the "Cardiff Report" substantial efforts have been made by a range of agencies across RCSP, including the Borough Council, to implement the recommendations contained within the report. Continued effort will be required to complete and sustain this programme.

8. Background Papers

Copies of these papers are available on request.

The Hampton Review; (March 2005); "Reducing administrative burdens: effective inspection and enforcement"; HM Treasury.

Cooper, J. (October 2007); "Findings from visit to Cardiff – licensing and regulation of the night time economy". Report to Redditch Borough Council's Licensing Committee, 05/12/07. Redditch Community Safety Partnership.

Cooper, J. (November 2008); "Alcohol Related Partnership Activity – Redditch Community Safety Partnership Funding Application"; Redditch Community Safety Partnership.

Cooper, J. & Ray, K. (March 2009); "Pilot scheme for depersonalised A&E assault attendance data sharing"; Redditch Community Safety Partnership / Worcestershire Drug and Alcohol Action Team.

Deehan, A. (1999); "Alcohol and Crime: Taking Stock"; Home Office, Crime Reduction Research Series Paper 3.

Moore, L. (May 2007); "Violence and Disorder related to Redditch's Night Time Economy: Fuse and Chicago Rock"; Redditch Community Safety Partnership.

Moore, S. & Jones, T. (December 2006) "Green, Amber, Red – Cardiff's Unique Traffic Light System Targets Disorder in Licensed Premises" in "Police Review" (01/12/06), Cardiff Police licensing team.

Redditch Borough Council (2007). "Statement of Licensing Policy 2007-10".

The Rogers Review, (March 2007); "National Enforcement Priorities for Local Authority Regulatory Services"; Cabinet Office.

Shepherd, JP. (2004); "The role of emergency departments in community violence prevention"; Department of Health.

Shepherd, J. (October 2007) "Effective NHS Contributions to violence prevention – The Cardiff Model."

Warburton, AL. & Shepherd, JP. "Tackling alcohol related violence in city centres: effect of emergency medicine and police intervention"; (2006); Journal of Emergency Medicine.

9. Consultation

Consultation has been undertaken with relevant Borough Council Officers and relevant Officers in partner agencies.

10. Author of Report

The author of this report is James Cooper (Community Safety Project Officer) who can be contacted on extension 3352 or e-mail: james.cooper@redditchbc.gov.uk for more information.

The contributors of the updates featured in Appendix 1 are:

West Mercia Police – Inspector Ian Joseph
Worcestershire County Council Trading Standards – Simon Wilkes
Redditch Borough Council Licensing Team – Sue Garratt

11. Appendices

Appendix 1 - “Update on recommendations arising from report – August 2009. Findings from visit to Cardiff – licensing and regulation of the night time economy.

Appendix 1

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Update on recommendations arising from report – August 2009

Findings from visit to Cardiff – licensing and regulation of the night time economy

Report approved by Redditch Community Safety Partnership (RCSP) on 31/10/2007, and by Redditch Borough Council Licensing Committee on 05/12/2007.

1. Recommendations

- 1.1. Following the visit to Cardiff and a period of research, we make the following recommendations for licensing and NTE management in Redditch.
- 1.2. In order to enhance intelligence gathering on premises we recommend that:

Purpose	Recommendation	Reporting agency/team	Progress at August 2009
Enhance intelligence gathering on premises	1.2.1. The Police adopt a "last drink" interview policy when arresting suspects who are under the influence of alcohol;	Police	<p>Low level offences such as 'drunk and disorderly' or 'disorderly conduct' require no interview but information relating to arrests is generally passed on to the Licensing Officer for action. Examples recently include commission of such offences by customers of a local pub over a period of some months coupled with other substantive offences prompting a review process to be commenced. The overwhelming evidence brought forward immediately resulted in the regional management of the premises replacing the local manager and door management team.</p> <p>More serious offences such as assaults will always require suspect interviews and relevant information is forwarded in the appropriate manner to the licensing officer. Such evidence is collated as in the example above for future use if necessary.</p> <p>It should be noted that relevant authorities need to take care when using such information concerning offences that have taken place in public places away from a licensed premises. It is likely that legal advice to a review committee would be that they should only consider evidence of offences committed on or in the close vicinity of a licensed premises and the legislation is frustrating in this regard.</p>

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Purpose	Recommendation	Reporting agency/team	Progress at August 2009
Enhance intelligence gathering on premises	1.2.2. The Police and Trading Standards consider the use of targeted undercover operations to gain evidence of license breaches;	Police	The use of undercover operations targeting licensing breaches is governed by the Regulation of Investigatory Powers Act and authority under that Act would be required for such an operation. Trading Standards already run operations targeting underage drinking sales at off licence premises but the police are now allowed to operate similar schemes.
Enhance intelligence gathering on premises	1.2.3. The Licensing Team make available to the Police and other responsible authorities, summary versions of the key conditions of premises licenses to aid monitoring of compliance;	Trading Standards	Whilst not completely rejecting the opportunity to partake in operations it must be pointed out that the type of surveillance operations required in these circumstances (usually where test purchasing or warning visits have failed,) are very costly in terms of both police and trading standards time, and 'routine' events are highly unlikely to be authorised at the present time. Where strong evidence and intelligence suggests persistent criminality at a licensed premises then it is possible that a joint operation may be authorised. However, this would depend on the availability of resources.
Enhance intelligence gathering on premises	1.2.4. The Police or Licensing Team make the main license conditions for each premises available online so that Police officers visiting	Licensing team	Details of licenses and conditions are available on request via contact with the licensing office. Under the Licensing Act 2003 there are only three mandatory conditions; all other conditions that are attached are either volunteered by the licensee or agreed by Committee and are individual to those premises. Licensing works closely with the Police and other responsible authorities to ensure any request for information of this nature is available.
Enhance intelligence gathering on premises	1.2.4. The Police or Licensing Team make the main license conditions for each premises available online so that Police officers visiting	Police Licensing team	Details of licenses and conditions are now available for all district licensed premises through the police-owned and operated InnWeb system. The delay in the implementation of the new website for Redditch has delayed further development of the Licensing software system. It is not envisaged that information that detailed will be available on-line; however, better liaison between the Police

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Purpose	Recommendation	Reporting agency/team	Progress at August 2009
	licensed premises can radio their control centre to help monitor compliance; and		Licensing Officer and Licensing is producing good results. The Licensing Team are all now in place and the Licensing Officer (project, liaison and enforcement) has a set program to visit all licensed premises within set timescales. Targeting problem premises including dual visits with the Police if necessary.
Enhance intelligence gathering on premises	1.2.5. Redditch Community Safety Partnership (RCSP) make representations to Worcestershire Acute Hospitals Trust (WAHT) to seek improvements in their data collection procedures so that the location of NTE assaults can be shared with RCSP ¹ .	Community Safety Team	Representations and involvement of DAAT and PCT led to a meeting to discuss proposal with A&E consultants for Alexandra Hospital and Worcester Royal in December 2008. Full business case drafted and sent to consultants in March 2009 leading to further meeting at which it was decided to run a paper-based data collection pilot at Alexandra Hospital for a period of one month, with a commitment by the Trust to review the pilot findings. Final details of the pilot are being confirmed with an expected start date in the next few months.

1.3. So that regulatory and enforcement activity has the maximum opportunity to reduce harm and improve outcomes we recommend that:

Purpose	Recommendation	Reporting agency/team	Progress at August 2009
Target enforcement activity to reduce harm	1.3. The Police, Community Safety Team, Licensing Team, Environmental Health and Trading Standards co-operate to produce joint risk assessments of each premises and that these are updated regularly	Police Community Safety Team Licensing Team Environmental Health Trading Standards	The Community Safety Team has used Police crime data to assess town centre licensed premises across Worcestershire, allowing Redditch premises to be compared to similar ones elsewhere in the County for the period 2006/7 and 2007/8. These findings have helped the Police to target engagement and enforcement activity against high risk premises. The Community Safety team, Police and Trading Standards co-operated to produce a joint risk assessment of a number of high

¹ South Wales Acute Hospitals Trust has made a large contribution to efforts to reduce violence in Cardiff through data sharing, sending staff to visit high risk licensed premises and encouraging victims of violent crime to access protective services and the criminal justice system.

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Purpose	Recommendation	Reporting agency/team	Progress at August 2009
			risk on and off premises in the first quarter of 2009. The findings of this work informed the selection of premises targeted through the Home Office funded "Due Diligence Audit" programme and has also proved useful in allowing targeted engagement of specific premises resulting in voluntary withdrawal of crime generating events or in one case wholesale management and doorstaff changes.

1.4. In order to **improve officer and member knowledge of licensing law and the local NTE** so that they can carry out their duties with greater confidence we recommend that:

Purpose	Recommendation	Reporting agency/team	Progress at August 2009
Improve officer and member knowledge of licensing law and the local NTE	1.4.1. Councillors sitting on the Licensing Committee be encouraged to develop a personal knowledge of the NTE through guided visits to Redditch premises and the Town Centre;	Councillors	
Improve officer and member knowledge of licensing law and the local NTE	1.4.2. RBC offers recommended training in licensing law to Councillors sitting on the Licensing Committee with the option of obtaining a nationally recognised licensing	Redditch Borough Council	The Community Safety team has taken the lead in identifying and sourcing accredited training in licensing law for Committee. In December 2008 the Team was successful in bidding for funding to deliver enhanced training. A training specification for multiple training events has been developed in consultation with the Chair of the Committee and Democratic Services staff. Training providers have provided quotes in respect of this specification and a selection process is underway.

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Purpose	Recommendation	Reporting agency/team	Progress at August 2009
	qualification and that RBC makes appropriate funding available for this;	Licensing Team	The Licensing Team is in the process of putting a manual together for Councillors who sit on the Licensing Committee; this will aid in the understanding of the Licensing Act and any Guidance issued. This will be updated as and when required.
Improve officer and member knowledge of licensing law and the local NTE	1.4.3. Selected Police, RBC and Trading Standards staff achieve a nationally recognised licensing qualification ² ; and	Police Redditch Borough Council Trading Standards	Police, RBC and Trading Standards staff will be invited to relevant training events mentioned at 1.4.2.
Improve officer and member knowledge of licensing law and the local NTE	1.4.4. The Licensing Manager presents regular reports on the state of the night time economy and compliance with licensing objectives to the full licensing committee.	Licensing	A report will be made on a yearly basis to the Licensing Committee regarding how many applications, variations; enforcement actions are undertaken or received under the Licensing Act 2003 for the previous year. This will commence in December 2009.

1.5. To ensure a graduated and proportionate approach to enforcement is achieved, partner agencies should **develop a premises engagement capability**, therefore it is recommended that:

Purpose	Recommendation	Reporting agency/team	Progress at August 2009
Develop a premises engagement	1.5.1. The Police, Licensing Team, Environmental Health and Trading	Police Trading Standards	In most cases visits to premises are not required in a formal sense. DPS/management teams of troublesome premises are normally invited to Redditch police station for interviews with

² For example, the National Certificate for Licensing Practitioners, accredited by the British Institute of Innkeeping, is targeted at local authority and Police audiences and provides an equivalent qualification to that required of personal license applicants.

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Purpose	Recommendation	Reporting agency/team	Progress at August 2009
capability	Standards make multi-agency visits to high risk premises; and	Licensing Team Environmental Health	<p>the District Inspector and Licensing Officer. Generally such meetings are all that are required to ensure a premises' better compliance with licensing principles and there have been a number of successes with this approach over the last 18 months.</p> <p>The police have noted requests from the Licensing Team to be involved in future meetings and acknowledge a need to liaise more closely with partners on other licensing matters.</p> <p>On one occasion a multi-agency meeting was called to assess required action concerning one particularly troublesome premises. Those present were extremely frustrated by the apparent protections offered to the manager of the premises through the Licensing Act which effectively meant that we had to wait for a significant incident to occur before strong action could be taken. Those actions that could be taken were discussed and the financial position of the owner of the premises eventually forced its closure but there was significant fear that a serious incident might have occurred resulting in a large scale police operation that also involved specialist police resources.</p> <p>The Licensing Team have discussed with the Police and other responsible authorities at the Licensing Forum the need for working closer together on enforcement action.</p> <p>The Licensing Team have provided advice to all responsible authorities regarding the review process; issuing an advice booklet and requesting feedback on the contents.</p> <p>The Licensing Team are in contact with the Police Liaison officer on a daily basis; this includes updates and information exchange on all licensing matters.</p> <p>Licensing is in the process of gaining SIA (Security Industry Act) 2001 Accreditation, report going to Committee November</p>

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Purpose	Recommendation	Reporting agency/team	Progress at August 2009
Develop a premises engagement capability	1.5.2. Multi-agency visits result in a structured action plan or revised licensed conditions agreed with the premises and designed to improve compliance with the licensing objectives.	Police, Trading Standards	<p>2009. To enable authorised Licensing Officers to carry out actions and enforcement under this Act; this will include the checking, enforcement and reporting of any offences and/or breaches of the legislation by premises using unlicensed door staff.</p> <p>Previous success with face to face meetings have yet to result in a structured action plan or voluntary /enforced change of conditions being required.</p> <p>The circumstances surrounding the closest occasion a premises has recently come to being required to apply additional voluntary conditions are as follows:</p> <p>A licensed premises insistence on their provision of a 'community service' by opening their doors to teenage customers during school holidays invariably led to large number of youths, some under the influence of alcohol and drugs, descending on the town from a wide area including south Birmingham.</p> <p>The crime, disorder and antisocial behaviour occurring as a consequence of these events resulted in large numbers of police officers being required to be deployed (greater than those required for normal Friday/Saturday night operations).</p> <p>A meeting between police and the premises management resulted in the police requiring the manager to impose new conditions on the sale of tickets and management of the event. The police expectation was that these would be new conditions voluntarily applied to the licence.</p> <p>The premises were not prepared to accept such conditions and withdrew the event instead.</p>

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Purpose	Recommendation	Reporting agency/team	Progress at August 2009
		Licensing Team, Environmental Health	The Licensing Team have discussed with the Police and other responsible authorities at the Licensing Forum the need for working closer together on enforcement action and have offered to update premises licenses (variations to conditions/improvement plans) in line with the licensing objectives if all parties are in agreement; free of charge to aid the improvement of problem premises and the enhancement of night time economy.

- 1.6. In order to protect the public and the integrity of the licensing system, partner agencies should **strengthen their licensing enforcement and review capabilities** to deal with cases of sustained non-compliance or high risk.
To do this the Police, Licensing Team, Environmental Health and Trading Standards should:

Purpose	Recommendation	Reporting agency/team	Progress at August 2009
Strengthen the license review and enforcement capabilities	1.6.1. Provide a detailed consideration of the resources and skills required to initiate license reviews and other enforcement action against problematic premises.	Police	The police have attended and participated in a review training event that allowed all agencies in attendance to assess their levels of knowledge in licensing matters. A further event is planned. Such events allow attendees to understand the complexities of the Act and talk through frustrations concerning an often apparent inability to take firm and decisive action. It is in some ways unfortunate that agency intervention prior to review have always resulted in premises management changes that have taken away the need for formal review processes to be commenced.
		Trading Standards	Trading Standards has developed its own internal processes for initiating licensing reviews. Now, after each underage sales exercise, consideration is given to the most appropriate way of dealing with any sales that have occurred, with License Review being seen as a primary remedy for persistent sales.
		Licensing Team	The Licensing Team has provided training to Councillors, Officers, Responsible Authorities and other agencies to aid those responsible under the Licensing Act in gaining the knowledge and understanding needed to take a premises to

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Purpose	Recommendation	Reporting agency/team	Progress at August 2009
		Environmental Health	<p>We have also provided an information booklet to Licensing Forum members to help with the collection and production of evidence relating to a review of a premises.</p>

- 1.7. Taken as a whole, each of these components should be integrated into an effective system.
 A process diagram summarising this system was shown at appendix 1 of the original report.

LICENSING COMMITTEE WORK PROGRAMME 2009/11**28th September 2009**

- Hackney Carriage Fares

2nd November 2009

- Gambling Act
- SIA Authorisation
- Licensing Standards

14th December 2009

- Licensing Act – Annual Report
- Cardiff Report – Update (James Cooper)

25th January 2010

- Taxi Inspection Testing
- Scheme of Delegation

26th April 2010**19th July 2010****11th October 2010**

- Hackney Carriage Fares
- Review of Statement of Licensing Policy for the Licensing Act 2003

17th January 2011

- Licensing Act – Annual Report

11th April 2011**To Be Allocated To Suitable Available Dates, Dependent On Agenda**

