



Licensing Committee

No Specific Ward Relevance

14th December 2009

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".

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.

- 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.

- 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.

- 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

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| 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.