

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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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.
		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	1.2.3. 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;	Licensing team	<p>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.</p> <p>Licensing works closely with the Police and other responsible authorities to ensure any request for information of this nature is available.</p>
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	Details of licenses and conditions are now available for all district licensed premises through the police-owned and operated InnWeb system.
		Licensing team	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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	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:

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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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			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:

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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	<p>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.</p> <p>A training specification for multiple training events has been developed in consultation with the Chair of the Committee and Democratic Services staff.</p> <p>Training providers have provided quotes in respect of this specification and a selection process is underway.</p>

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	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:

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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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capability	Standards make multi-agency visits to high risk premises; and		<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>
		Licensing Team Environmental Health	<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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			<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>Develop a premises engagement capability</p>	<p>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.</p>	<p>Police, Trading Standards</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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		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:

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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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			review. 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.
		Environmental Health	

- 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.