
Update on recommendations arising from report – June 2010

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

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

1.2.1. The Police adopt a **“last drink” interview policy** when arresting suspects who are under the influence of alcohol;

Police - August 2009

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.

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.

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.

June 2010

Little change in Police processes although there have been less instances of the need for more formal approaches to licensed premises within the period since the last report.

Those detained for alcohol-fuelled disorder in or adjacent to public houses or other licensed premises continue to attract supervisory attention through daily briefing processes. InnWeb continues to be utilised to store data concerning offences in and adjacent to such premises and this can actively be used where appropriate.

1.2.2. The Police and Trading Standards consider the use of **targeted undercover operations** to gain evidence of license breaches

Police - August 2009 -

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

June 2010

No change to previous and our present economic circumstances mean that undercover operations are less likely to occur owing to their expense.

Trading Standards – August 2009

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.

June 2010

We have continued with test purchasing exercises and gather evidence from various sources to target premises. Test purchasing exercises have to be authorised under RIPA, so there are levels of evidence required before we can use these methods.

Any premise that registers a complaint now receives an initial visit to advise of prevention, unless it has recently been inspected, in which case underage sales issues will have been addressed.

All of the relevant staff in Trading Standards have now receive training on the wider aspects of the Licensing Act 2003 so they now have a broader understanding of the process and the requirements beyond the underage sales elements for which the service is responsible.

We welcome the establishment of the Licensing Tasking Forum as a means of communication for responsible bodies.

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 - August 2009

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. All premises have been informed of new mandatory conditions.

June 2010

Licensing continues to work closely with the Police and other responsible authorities to ensure any request for information of this nature is available.

1.2.4 The Police or Licensing Team **make the main license conditions for each premises available online** so that Police officers visiting licensed premises can radio their control centre to help monitor compliance

Licensing team - August 2009

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 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.

June 2010

Licensing website pages have been written and are currently being uploaded to the website.

Licensing is now part of Worcestershire Regulatory Services and the implementation of any further improvements is subject to transformational change.

Problem premises are continually monitored between the Police and the Licensing Officer. The development of partnership working has culminated in a problem premise being taken to review and certain conditions added to their licence.

Police – August 2009

Details of licenses and conditions are now available for all district licensed premises through the police-owned and operated InnWeb system.

June 2010

InnWeb continues to be kept up to date.

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**

Community Safety Team - August 2009

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.

June 2010

A two month pilot was run during March-April 2010. Key findings during this period were:

- 80 patients attended Alexandra Hospital A&E having been assaulted
- 29 patients were questioned by staff and consented to provide information
- 16 patients giving information had been assaulted either inside or outside a pub, bar or nightclub (10 outside and 6 inside)
- 4 of these 16 assaults were not reported to the police
- 2 premises were linked to four or more assaults

WAHT staff commented that this was a "low demand" period and they will re-run the audit during the World Cup when the number of assaults is expected to be higher.

The A&E consultant and registrar have attended Redditch PubWatch to advise premises managers that this information is now being shared. It is hoped that this will encourage diligence during this period.

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

Community Safety Team - August 2009

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 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.

June 2010

The Community Safety team is preparing to begin work on an updated crime risk assessment of licensed premises throughout Worcestershire. Various avenues for resourcing this work are being explored.

- 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:

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;

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 qualification** and that RBC makes appropriate funding available for this

Community Safety Team - August 2009

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.

June 2010

The National Certificate for Licensing Practitioners accredited training was delivered to six committee members and two staff in January 2010. Performance was strong with all but two participants passing the exam, and those two who did not pass missing out on the pass mark very narrowly. One participant has expressed an interest in retaking the exam.

A bespoke training event involving councillors and officers was held in January 2010 with the aim of improving practical understanding of how licensed premises promote or undermine the licensing objectives. Feedback on the event was mixed and it was not clear that the trainers delivered to the specification set. As such a further training event planned for non-committee members to be delivered by the same company has been cancelled.

Licensing Team – August 2009

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.

June 2010

A Licensing manual has been issued to all the Councillors that sit on the Licensing Committee. This included The Licensing Act, Guidance and a Jargon buster. It also included a copy of the Statement of Licensing Policy.

1.4.3. Selected Police, RBC and Trading Standards staff achieve a nationally recognised licensing qualification

August 2009

Police, RBC and Trading Standards staff will be invited to relevant training events mentioned at 1.4.2.

June 2010

Police have attended and courses well-received.

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 Team - August 2009

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.

June 2010

The yearly report was given to the Licensing Committee in December 2009 and was received well.

A half yearly short verbal report with a fact and figures handout will be taken to Committee in June 2010.

- 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:

1.5.1. The Police, Licensing Team, Environmental Health and Trading Standards make **multi-agency visits to high risk premises**

Police and Trading Standards - August 2009

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 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.

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.

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.

June 2010

As previous, formal visits have not been required recently and one troublesome premise shut before more formal visit (and probably review) could be conducted.

Licensing Team & Environmental Health – August 2009

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.

The Licensing Team have provided advice to all responsible authorities regarding the review process; issuing an advice booklet and requesting feedback on the contents.

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.

Licensing is in the process of gaining SIA (Security Industry Act) 2001 Accreditation, report going to Committee November 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.

June 2010

SIA Accreditation has now been received and RBC Licensing Officers have made visits to licensing premises alongside the Police and the SIA.

1.5.1. 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 and Trading Standards - August 2009

Previous success with face to face meetings have yet to result in a structured action plan or voluntary /enforced change of conditions being required.

The circumstances surrounding the closest occasion a premises has recently come to being required to apply additional voluntary conditions are as follows:

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.

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).

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.

The premises were not prepared to accept such conditions and withdrew the event instead.

June 2010

As previous – improved management and less instances of obvious and regular crime and disorder have meant such visits have not been required. Use of the revised risk assessment will be made when complete to better inform intervention processes.

Licensing Team & Environmental Health – August 2009

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.

June 2010

A new Licensing Forum which serves Redditch, Bromsgrove and Wyre Forest has had it's first meeting. Positive feedback was received by Officers and another meeting has been scheduled.

- 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:

1.6.1. Provide a **detailed consideration of the resources and skills required to initiate license reviews** and other enforcement action against problematic premises.

August 2009

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 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.

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 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 did not provide an update.

June 2010

Police have produced and presented a review for an off-licence resulting in a pleasing outcome. Experience gained in what was a relatively low key review will be of assistance with larger and more complex processes in the future, assuming there is no staff de-skilling.

Trading Standards have now brought a successful review with the Police in relation to one premise, so we hope that this will send the right message out to other license holders.

The Licensing Team have taken no further action.

Environmental Health did not provide an update.

- 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.