

REDDITCH BOROUGH COUNCIL

**LICENSING
COMMITTEE**

17th January 2011

LICENSING ACT REVIEW

Relevant Portfolio Holder	Councillor Juliet Brunner
Relevant Head of Service	Steve Jordan, Head of Worcestershire Regulatory Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report is an overall review of functions carried out under the Licensing Act 2003 by the Licensing Team for 2010. 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.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

the Annual report on the Licensing Act 2003 be noted.

3. BACKGROUND

3.1 The Council must promote the four licensing objectives which are:

The Prevention of Crime and Disorder

- a) 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.

Public Safety

- b) 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 inspection and enforcement of licensed premises has been implemented.

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The Prevention of Public Nuisance / anti social behaviour

- c) The Licensing Authority has taken an objective view following relevant representations to applications as to the potential for nuisance and anti social behaviour; Officers have worked with the responsible authorities and the applicant to mediate and has attached appropriate and proportionate conditions to the licences with agreement from all parties where necessary in order to prevent it.

The Protection of Children from Harm

- d) 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.

3.2 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.

3.3 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.

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- 3.4 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.
- 3.5 Late night refreshment means the sale of hot food or drink to members of the public between the hours of 11pm and 5am.
- 3.6 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. KEY ISSUES

- 4.1 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.
- 4.2 There have been 35 credible complaints made to the Licensing Office during the year 1st January 2010 to 31st December 2010 across Redditch and Bromsgrove. A breakdown of Licensing complaints for Redditch which have been investigated by the Local Authority Licensing Enforcement Officer and the Licensing Officer for West Mercia Police are as follows:-

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	2009	2010
Irresponsible Drinks Promotions	1	2
Noise/Disorder related issues	19	16
U18's reported	NA	2
Smoking on Licensed Premises	2	0

This table compares the figures from 2009 against those from 2010. Some of these complaints have been resolved very quickly through mediation, letter or advice, by Environmental Health Officers, Licensing Enforcement Officers and Licensing Police Officer working in partnership whilst others have been prolonged, requiring the gathering of evidence.

- 4.3 No permission is required from the Licensing Authority in relation to Temporary Event Notices. This is a notification scheme; currently 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) 62 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.
- 4.4 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. This Forum has now been extended to North Worcestershire and is in the early stages and will, once established, feed back into the Crime and Disorder Reduction Partnership (CDRP).
- 4.5 Licensing Officers and Police Licensing Officers are working more in partnership, visiting premises across both districts of Redditch and Bromsgrove. 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.

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- 4.6 This action accords with the Enforcement Policy and National Guidance to follow three distinct stages, (Traffic light warnings)
- a) Advice (green)
 - b) Written warning (amber)
 - c) Licence Review / Court Action for Breach of Statute / Licence Condition (red)
- 4.7 SIA (Security Industry Authority) – Licensing Officers are certified by the Security Industry Authority to carry out inspections of door staff. Two evening inspections have taken place with no issues reported.
- 4.8 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.
- 4.9 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. Redditch and Bromsgrove Members and Officers took part in training at Bromsgrove for the Licensing Act, Gambling Act and Street Trading, which also included a mock review.
- 4.10 Members have been issued with a Guidance folder for the Licensing Act, which includes a copy of the Statement of Licensing Policy, any guidance issued under the Act and the Act itself, this is due to be updated with a copy of the reviewed Statement Of Licensing Policy for 2011-2014.
- 4.11 Parliament is currently looking at "Rebalancing of the Licensing Act" bringing in changes which may/will need to be implemented. (Information sheets will be circulated to Members as soon as Officers know the implementation date) – these changes include:
- a) Introducing late night levy's (premises opening later than midnight – shared revenue between the Local Authority and the Police);
 - b) Changes to the Temporary Event Notice system (extending police response times, allowing Local Authorities to add conditions);

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- c) Removing the “vicinity test” for interested parties;
- d) Applicants to give greater consideration to the local area when making their application;
- e) Giving Local Authorities power to suspend licenses due to non-payment of fees;
- f) Reduce the burden of proof on Licensing Authorities (decision making will become “appropriate” rather than “necessary” to promote licensing objectives);
- g) Increase the weight Licensing Authorities will have to give to relevant representations and objection notices from the Police;
- h) Making local Health bodies responsible authorities.

5. FINANCIAL IMPLICATIONS

There are no financial implications within this report.

6. LEGAL IMPLICATIONS

- 6.1 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, the showing of film and late night refreshment.
- 6.2 The Council has delegated its licensing function to its Licensing Committee, Sub Committees and Licensing Officers referred collectively to as the “Licensing Authority”.

7. POLICY IMPLICATIONS

- 7.1 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 January 2011 and will remain in place until January 2014.
- 7.2 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.

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8. COUNCIL OBJECTIVES

To make Redditch a community which is safe.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY
CONSIDERATIONS**

There are no risk implications within this report.

10. CUSTOMER IMPLICATIONS

None identified.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None identified.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET
MANAGEMENT**

None identified.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None identified.

14. HUMAN RESOURCES IMPLICATIONS

None identified.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

None identified.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF
CRIME AND DISORDER ACT 1998**

Licensing and the regulation of the night time economy plays a key role in the prevention of crime and disorder.

17. HEALTH INEQUALITIES IMPLICATIONS

None identified.

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18. LESSONS LEARNT

The Statement of Licensing Policy was formally reviewed in 2010 and will be implemented by January 2011. This is a Countywide Policy, but Licensing Officers recognised that “localisms” needed to be built into each District’s Policy as each district may have specific issues which need addressing. It was agreed in partnership with the Responsible Authorities that these “localisms” could be added to the original Policy document as appendices as and when necessary. Licensing Officers and the Responsible Authorities including Community Safety at Redditch have set up a working group to look at local Redditch issues.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

West Mercia Police
Trading Standards

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	Yes
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

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21. WARDS AFFECTED

All wards

22. APPENDICES

Appendix 1 - Licensing Act 2003 Public Register.

23. BACKGROUND PAPERS

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

AUTHOR OF REPORT

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