

BROMSGROVE DISTRICT COUNCIL

**LICENSING
COMMITTEE**

19th MARCH 2012

LICENSING ACT ANNUAL REVIEW

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report is an overall view of functions carried out under the Licensing Act 2003 by the Worcestershire Regulatory Services (WRS) Enforcement and Licensing Team for Bromsgrove district during 2011. It shows Officers are developing working practices and procedures in partnership with the responsible authorities 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

- 2.1 **The Committee is asked to RESOLVE that**
the Annual report on the Licensing Act 2003 be noted.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications within this report

Legal Implications

- 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, the showing of film 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".

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- 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 January 2011 and will remain in place until January 2014 when it is due to be reviewed.
- 3.5 The Statement of the Licensing Policy is a live document, which is subject to review, to meet the changing needs of the community, business circumstances and legislation.
- 3.6 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

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.

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 with regards to inspection and enforcement of licensed premises has been implemented.

The Prevention of Public Nuisance / anti social behaviour

The Licensing Authority will take 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 applicants to mediate, and has in many instances been able to attached appropriate and proportionate conditions to the licences with agreement from all parties. This agreement addresses the concerns raised which in turn will prevent public nuisance and anti social behaviour.

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.

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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.

- 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, WRS Trading Standards and the Safeguarding Children Board.

3.7 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

3.8 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

3.9 Late night refreshment means the sale of hot food or drink to members of the public between the hours of 11pm and 5am.

3.10 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.

Service / Operational Implications

3.11 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 during the calendar year of 2011.

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3.12 There have been 13 credible complaints made to Worcestershire Regulatory Services Office during the year 1st January 2011 to 31st December 2011 for Bromsgrove. A breakdown of Licensing complaints for Bromsgrove which have been investigated by the WRS Enforcement Officer and the Licensing Officer for West Mercia Police are as follows:-

	2011
Irresponsible Drinks Promotions	0
Noise/Disorder related issues	13
U18's reported	0
Smoking on Licensed Premises	0

Some of these complaints have been resolved very quickly through mediation, letter or advice, by Environmental Health Officers, WRS Licensing Enforcement Officers and Licensing Police Officer working in partnership whilst others have been prolonged, requiring the gathering of evidence.

3.13 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.

- 176 Notices were served on the Council. No counter notices were received from the Police.
- No premises used their full quota of temporary events and therefore no advice was issued regarding the need for a Premises Licence.

3.14 Enforcement - 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.

3.15 Licensing Officers and Police Licensing Officers are working more in partnership, visiting premises across all districts within Worcestershire. 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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- 3.16 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)
- 3.17 SIA (Security Industry Authority) – WRS Licensing Officers are certified by the Security Industry Authority to carry out inspections of door staff and these Certificates have been renewed during 2011 and last for three years.
- 3.18 Pubwatch – Worcestershire Regulatory Services attends Pubwatch on behalf of each Licensing Authority; these meetings are normally held on a monthly basis, and are attended by most of the town centre licensed premises managers, the Police, and usually CCTV staff. An Enforcement officer from WRS will continue to attend on a regular basis to discuss and keep under review matters relating to licensing.
- 3.19 It is of paramount importance 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. WRS Licensing Officers gave training to Members in most districts during 2011.
- 3.20 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:
- Introducing late night levy's (premises opening later than midnight – shared revenue between the Local Authority and the Police)
 - Changes to the Temporary Event Notice system (extending police response times, allowing Local Authorities to add conditions)
 - Removing the "vicinity test" for interested parties
 - Applicants to give greater consideration to the local area when making their application
 - Giving Local Authorities power to suspend licenses due to non-payment of fees.
 - Reduce the burden of proof on Licensing Authorities (decision making will become "appropriate" rather than "necessary" to promote licensing objectives).
 - Increase the weight Licensing Authorities will have to give to relevant representations and objection notices from the Police.
 - Making local Health bodies responsible authorities

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4. RISK MANAGEMENT

4.1 None

5. APPENDICES

Appendix 1 Register of premises

AUTHOR OF REPORT

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