

Annual Report - Licensing Act 2003

Purpose of this report

To inform Members of the work done by 'Responsible Authorities' and the Licensing Office at this Authority during the first year of the Licensing Act 2003.

Information

The Licensing Act came fully into force on the 24th November last year and marked a major change in the way that liquor licensing and entertainments were regulated in this country.

The two-stranded approach which formerly involved the Licensing Magistrates issuing liquor licences and local authorities administering public entertainment, theatre and late night refreshment licensing was streamlined and modernised and made the responsibility of local authorities to administer and enforce.

The Licensing Act was built around four equal licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance, and
- The protection of children from harm.

A number of 'responsible authorities' was set up by the Act involving them in the licensing function of the local area. Three Sections within the Planning and Environment Department have a 'responsible authority' function:

- The Environmental Protection Section, Gedling Borough Council (for noise matters);
- The Food/Health & Safety Section, Gedling Borough Council (for public safety issues); and
- The Planning and Environment Department (as Local Planning Authority) Gedling Borough Council.

For the Gedling area the external 'responsible authorities' are:

- The Chief of Police represented by the Nottinghamshire Police Headquarters (CJ) Liquor Licensing Section;
- The Nottinghamshire Fire & Rescue Service;
- Nottinghamshire Safeguarding Children Board;
- Nottinghamshire County Council Trading Standards (under aged liquor sales);
- The Health and Safety Executive.

The Gedling area does not have any boats or vessels licensed under the provisions of the Licensing Act, which would potentially involve three other responsible authorities:

- The Maritime and Coastguard Agency;
- The Environment Agency; and
- The British Waterways Board.

The Licensing Act has now been operating for just over a year and a combined report from officers representing the Licensing Office and the 'responsible authorities' at Gedling Borough Council is attached as **Appendix 1**, and the received reports from the Police and the Nottinghamshire Safeguarding Children Board appear as **Appendices 2** and **3** respectively for the information of Members. The Fire and Rescue Service will provide its report to Members in the near future.

Recommendation

Members are recommended to note the extensive work carried out by the Licensing Office and the several 'Responsible Authorities' during the first year of full implementation of the Licensing Act in the Gedling area.

**Licensing Report 2005-6
The Licensing Office and 'Responsible Authorities' at Gedling Borough Council**

The Licensing Office undertakes the administration of Licensing Act applications made to this authority and three Sections within the Planning and Environment Department have duties as 'Responsible Authorities' under the Licensing Act. The Development Control, Environmental Protection and the Food/Health & Safety Sections each receive a copy of each premises licence application for comments as part of the statutory application procedure.

Officers within these Sections, along with other external 'Responsible Authorities' can make a representation to the Licensing Office over any contentious application. The Environmental Protection Section and Food/Health & Safety Section additionally have respective enforcement roles relating to the 'prevention of public nuisance' and 'public safety' licensing objectives.

Applications for Licences

During the transition period and first year of operation under the Act the Licensing Office administered the applications and issued the licences for all 245 premises requiring licensing in the Borough as detailed below. All applications were inputted onto the CAPS IT system which has proven itself reliable.

Premises type	Number
Clubs	32
Community/Village Halls	6
Off Licences	69
Public houses	78
Restaurants	18
Takeaways	42
Total	245

In addition over the period officers have dealt with other types of application:

Other application type	Number
Vary designated premises supervisor	82
Transfer of premises licence	17
Vary premises licence	24
Temporary event notices	155
Personal licences	507

Licensing Panel Hearings

Member Licensing Panels have met to determine 19 licence applications and a review hearing during the year. At each panel hearing specific additional conditions relating to the licensing objectives were placed on each premises licence. No appeals were subsequently made in the Magistrate's court to any Licensing Panel decision.

Inter-Authority Working

All the Nottinghamshire licensing authorities; the magistrate's court; Police and Fire and Rescue services continued with a very successful partnership approach to meeting the many requirements of the Licensing Act during the past year. Through directed cooperative working each authority was able to save many hours of officer time and helped build up a consistency of approach on licensing matters within Nottinghamshire for the ultimate benefit of the trade and local residents. The Nottinghamshire Licensing Act Group (NALG) is also the forum for developing a common Licensing Enforcement Protocol in the county and the basis for organizing Notts-wide training for officers and Members on licensing matters. Licensing Chairs meetings have been regularly held to inform and obtain the views of Members on licensing matters.

Locally officers from this Authority have attended some Pub Watch meetings to help support the work of the Police and an officer from the Environmental Protection Section has accompanied the Police to some licensed premises. The Licensing Office was successful in bidding for a Licensing Enforcement Officer Post and this appointed officer will in the future add weight to the joint enforcement of licensed premises with the Police and colleagues from Environmental Protection. The officer will also develop working links with licensed businesses in the area and attend Pub Watch meetings. A risk based inspection process has been developed for licensing purposes taking in several factors which will become fully operational in 2007-8.

Publicity and Advice

Building upon the advice leaflets produced by NALG in the run up to the full operation of the new licensing regime last year a licensing newsletter has been produced in-house and, together with a number of informative publications developed by officers, placed upon the Gedling web site giving:

- advice on how to make an application;
- details of application fees payable;
- answering common questions asked about licensing;
- details of current Licensing Panel hearings arranged;
- advice on making a representation to an application;
- advice on the licence review process and how to apply for a review.

Complaints

The first year of full operation of the Licensing Act has, contrary to anticipated and popular concerns, not produced an increase in the number of noise complaints related to licensed premises despite both the close proximity of the festive season last year to the November 24th commencement of the new licensing regime and the World Cup in the summer of this year. The Environmental Protection Section recorded 12 premises complaints (from 19 persons), 7 relating to noise from public houses, 3 from club premises and 2 from other licensed premises. Two complaints were recurring noise problems from a public house and a club premises. One noise abatement notice was served on the licensee of a public house in Arnold.

During the year the Environmental Protection Section has developed a noise procedure for dealing with licensed premises complaints and a Licensing Enforcement Policy for reference use by officers from the Environmental Protection and Food/Health & Safety Sections.

CCTV

Environmental Protection have been implementing the new CCTV in Arnold Town centre. This is now fully operational and is linked to the shops and pubs by the Shop Watch Radio. Kevin Nealon has attended Shop Watch and Pub Watch meetings and the new CCTV system has been welcomed. Action to deal with disorder related to one licensed premises has resulted from images caught on the CCTV system. The roll out of the CCTV to Netherfield has commenced and is currently on target to be operational by the end of the calendar year.

Computer Record System

Officers have utilised the CAPS Licensing module to input and record Licensing Act data during the first operational year and to produce statistics. Further developments are planned including a bid for funding to provide on-line submission of applications, enabling applicants to check on progress with their application and for officers to issue licences electronically.



Licensing Act 2003

**REPORT OF CHIEF OFFICER OF
POLICE**

TO

GEDLING BOROUGH COUNCIL
LICENSING COMMITTEE



OCTOBER 2006

CHAIRMAN, LADIES AND GENTLEMEN

I submit for your information, the Licensing Report for the year ending 30 September 2006.

The introduction of the new Licensing Act 2003 on the 25 November 2005 has brought about greater communication between the Police and the Local Authorities as we work together to improve strategies and a new partnership of enforcement. These relationships, by their very nature, require hard work and commitment from each agency. Improvement in working relationships will develop naturally over a period of time.

The Police can assure committee members that officers will continue to make regular visits to premises and areas where drink contributes to problems within local communities. In addition, our aim is to reassure the public by continuing with the policy of high visibility patrols in key areas and visits to problem premises. It is through these tactics that this force will address alcohol related violence and reassure the public.

The Police continue to maintain strong links with the licensing trade and we work together with them to review incidents and provide advice and guidance on awareness and preventative measures for the future. Poster and beer mat campaigns are constant initiatives with changing themes, which allow us to provide informative details of threats to the safety of drinkers.

The problems of the past few years do not appear to have been compounded by the introduction of the new legislation or change of responsibility. The fear that the new legislation could lead to a major increase in incidents of crime and disorder and anti-social behaviour has not materialized during this initial period.

The Police have maintained a robust approach towards licensing matters. It has not yet been necessary for the Police to apply to the committee to review a premises licence or oppose a personal licence. We can assure the committee we will not hesitate to do so when the need arises.

The partnership between the Police and the Licensing Authority strengthens along with improved relationships with other agencies.

South Nottinghamshire
Division



NOTTINGHAMSHIRE
POLICE

“The full effects of the recent changes to the Licensing Act 2003 are still emerging and I suspect it will be sometime yet before we can be precise about the impact the changes have had on drinking habits in the South Notts Area”

“It is the case that operators have exercised caution in respect of the new licensing regime. Generally premises have wanted to create a positive image that longer hours will not generate exceptionally high levels of violence and disorder.

It is clear from the work undertaken that a direct benefit of putting more officers on the street and the increased licensing activity has caused an increase in reported and detected low level Public Order Offences but more positively it has brought about a reduction in more serious violence.”

“Specific campaigns and initiatives to target alcohol related violence and other licensing issues on the whole of South Notts Division have continued of which some examples follow. “

“These campaigns have involved joint working with Trading Standards on test purchase activity (off licences and supermarkets, etc), and taking positive action against problem venues.”

At a very local level the communities, which make up Gedling demonstrate their concern in relation to alcohol misuse by young people. This is a significant challenge and must be tackled robustly. I would urge the committee to consider the implications of underage drinking, binge drinking and the proximity of licence premises to know problem areas where intelligence suggests that young people are vulnerable to the lure of alcohol.

The role of alcohol in domestic abuse cases is significant in our estates and late night drinking is often associated with “late night wife or partner beating”. These are direct consequences, which blight the lives of many in Gedling.

Peter Moyes
Chief Superintendent South Notts Division Nottinghamshire Police

Gedling North and South Initiatives:

Pub/Club Watch

There are 5 Pubwatch Schemes on Gedling Borough that all run on similar protocols.

The area has a variety of Pubwatches ranging from Town Centre Schemes in Arnold to Rural Schemes on A60 Ravenshead and Burton Joyce areas.

Through proactive measure schemes are very well attended and meetings take place every six weeks and are attended by licensees, staff, Police, Local Authority and also invited Guest Speakers from time to time to inform them of such issues as drugs etc.

South Notts Pubwatch Schemes during 2005 were briefed on Neighbourhood Policing and their involvement as members of the community and have been very effective in the supply of Intelligence to the Police on various issues

<p>The following schemes have existed for over four years on Gedling North and South Areas and all are all very successful. A60 ARNOLD CALVERTON CARLTON BURTON JOYCE</p>
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Challenge 21 Scheme

Posters and advice given to operators of bars and shops selling alcohol reminding them of the need to challenge the purchaser's age.

Underage Drinking and Anti-Social Behaviour Patrols

(Operation Slur)

Both Policing operations have proved very successful and continue on a weekly basis in particular weekend evenings using regular Police Officers, Special Constables, P.C.S.Os and Divisional Licensing Officers to conduct regular patrols of hotspots for underage drinkers i.e. parkland and on street. Alcohol test kits have assisted in detecting alcohol disguised in bottles drunken in the street by juveniles.

This initiative includes regular visits to off licences and the confiscation of alcohol from youngsters and finding the source where it has been purchased from.

AMEC

AMEC, a Home Office initiative with funding to tackle alcohol-related and other night time economy violent crime. This Operation contributed to a

decrease in reported cases of alcohol related disorder on the Division in the 2005 -2006-calendar year. A continual proactive approach was conducted by the 6 LAC's with uniformed police officers visiting licensed premises throughout the campaign together with extra police patrols on the streets at strategic times to address rowdy customers at closing times.

Test Purchasing (Operation Surefoot)

In addition to the two government sponsored Alcohol Misuse Enforcement Campaigns, since the second appointed day. The Police have carried out a number of operations targeting pubs and shops selling alcohol in the area. It has to be said that some of the results have been disappointing. 38 tests purchases were conducted in 5 Police Operations. From this there were 20 premises that failed, a failure rate of approx 52%. It is recognized that more education is needed in this area and if the funding is available an increased number of test purchase operations will take place. This is being worked at through Pubwatch and proactive licensing visits by Licensing Officers. These will continue through funding and may result in the review of certain premises licenses. Nottinghamshire County Council Trading Standards have also been very proactive across the Borough conducting a number of operations at off licence and supermarkets.

Operation Safer Towns and Villages

Safer Streets and Villages Initiative utilises dedicated uniformed Police Officers and Licensing Officers who have provided a Beat presence in the Town Centres late at night conducting high visibility Licensing Visits to premises since September 2005. Varied Policing operations on the Borough during World Cup 2006 resulted in reductions of disorder during the England football matches.

Neighbourhood Policing

Local Area Commands and Neighbourhood Policing Teams with partnership agencies have monitored effectively and dealt with underage children drinking alcohol on the streets and in parks (such as Operation Slur (Division wide) and other various Operations at LAC level

Paul Horton
Divisional Licensing Officer
South Notts Division Nottinghamshire Police

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High Performance · Reassurance · Safer Communities**

GEDLING

Total licenced premises on Gedling North – 198 (including 26 temporary premises)

Total licenced premises on Gedling South – 171 (including 11 temporary premises)

APPLICATIONS RECEIVED 25/11/05 – 30/09/06

229 of which 155 were Temporary Event Notices

Police Visits to Premises:	01/01/05 – 24/11/05	25/11/05 – 30/09/06
Gedling North Pubs/Off Licences	739	688
Gedling South Pubs/Off Licences	224	158

INCIDENTS*:

Gedling North Pubs/Off Licences	386	400
Gedling South Pubs/Off Licences	282	337

Gedling North Assaults/Disorder Pubs	98	100
Gedling South Assaults/Disorder Pubs	71	64

* Incidents include: Alarm activation, Offences not covered by a specific code, assault by customer, assault by staff, auto crime, burglary offences, criminal damage, disorderly behaviour, drugs offences, all offences of drunkenness, and theft and kindred offences.

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Nottinghamshire Safeguarding Children Board

Nottinghamshire Safeguarding Children Board (NSCB) replaced the Area Child Protection Committee (ACPC) in April 2006. The change was required as a result of the implementation of the Children Act 2004. The NSCB is charged with co-ordinating work to safeguard children across Nottinghamshire. It has increased responsibilities when compared to the ACPC and is required to quality assure work in the area of safeguarding undertaken by all agencies, including district councils, within Nottinghamshire. Nottinghamshire County Council undertakes work in relation to the safeguarding children considerations of licensing decisions, on behalf of the NSCB. I took over responsibility for this area of work in August 2006.

The process adopted for considering licensing applications within the County Council is that an initial screening check is undertaken when the application is received. If this highlights an issue that requires further consideration a further, more detailed evaluation is undertaken.

Since March 2005 we have processed a total of 1597 licensing applications countywide, of which 161 have been from premises within Gedling. Of these only 4 have required further evaluation; none has necessitated any other action beyond the more detailed evaluation. Since November 2005 we have received 31 applications from premises within Gedling, none of which have required further evaluation.

I look forward to developing ever closer links with district councils following the full implementation of the Gambling Act 2005, which contains a similar requirement in terms of safeguarding children to licensing legislation.

Clive Chambers
Safeguarding Children Project Manager
November 2006