

## **ANNUAL REPORT - LICENSING ACT 2003**

### **Purpose of this report**

To inform Members of the Licensing Act work done by 'Responsible Authorities' and the Licensing Office at this Authority during 2007-2008.

### **Information**

Members will be aware that the Licensing Act 2003 marked a major change in the way that liquor licensing and entertainments were regulated in this country. The two-stranded licensing 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. Where applications for licences are contested and cannot be amicably resolved a Licensing Panel of three Members of the Licensing Act Committee sit to determine the application.

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.

A combined report from officers representing the Licensing Office and the 'responsible authorities' at Gedling Borough Council is attached as **Appendix 1**, and the report of the Police is reproduced as **Appendix 2** for the information of Members. The Nottinghamshire Fire and Rescue Service will be reporting aspects of their licensing work separately.

### **Recommendation**

Members are recommended to note the extensive work carried out by the Licensing Office and the 'Responsible Authorities' during 2007-2008.

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### 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 period 2007-2008 Licensing Officers have dealt with the following numbers of applications.

New premises licences	14
Vary designated premises supervisor	74
Transfer of premises licence	37
Vary premises licence	10 (2 later withdrawn)
Temporary event notices	130
Personal licences	94
Vary club premises certificate	2

#### Licensing Panel Hearings

Member Licensing Panels have met 5 times during the year - to determine 3 variation applications and 2 new premises licences. 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; the Police and Fire and Rescue Services along with Trading Standards and Child Protection continued with their very successful partnership approach to meeting the Licensing Act requirements 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 Authorities Licensing Group (NALG) is also the forum for developing a common Licensing Enforcement Protocol in the county and the basis for organising 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.

The Licensing Enforcement Officer from this Authority has attended 17 meetings of the five local Pub Watches in the period to help support the work of the Police and provide information and advice to the trade. In addition the Licensing Enforcement Officer together with a representative from the Environmental Protection Section have attended 7 meetings with the Police and residents at some licensed premises as part of a condition on the premises licence. The Licensing Enforcement Officer undertook 167 risk-based inspections of licensed premises in the area in the year.

### Publicity and Advice

The work of the Licensing Section includes providing advice and information to both the trade and members of the public on licensing matters a lot of which is provided directly by the work of the Licensing Enforcement Officer. A number of informative publications developed by officers have been 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.

### Computer Record System

Officers have continued to utilise the CAPS Licensing module to input and record Licensing data during the year and to produce statistics. During the past year an East Midlands CAPS Licensing User Group has been set up and proven extremely useful to officers helping them to utilise the system more extensively. As a result Officers have been carrying out housekeeping work on CAPS to place DPS details on the system and link licence details to the 'live' licence which will continue in 2008-2009. Further development of the latest version of CAPS for the booking of vehicle tests has been identified as

an 'enabler' to allow the Customer Services Centre to book vehicle tests as part of the Gedling Transformation Project.

A further development is planned in the coming year for the CAPS Licensing module allowing applicants to make an on-line submission of their application, to check on progress and enabling officers to issue licences electronically.

## **Licensing Report of the South Notts Division Nottinghamshire Police**

CHAIRMAN, LADIES AND GENTLEMEN

I submit for your information, the Licensing Report for the year ending 31 March 2008.

During the previous twelve months there has been a tremendous amount of hard work and dedication demonstrated by the police service in partnership with the Licensing Authority, Trading Standards, Borough Councils, Environmental Heath, Fire and Rescue, Government Office and the licensing trade themselves to collectively take responsibility for ensuring that the people of South Nottinghamshire have the opportunity to publicly socialize within a safe and secure environment.

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.

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.

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. This has included the need to tackle the damage that the misuse of illegal drugs has brought to society. We will continue to work in partnership to raise awareness through training of licensees in recognising when drugs are being brought on to premises and interventions that can be put into place to deter this behaviour.

The Pubwatch initiative has maintained its strength across the area and as the sale of alcohol from off licenses continues to be of concern to many communities, we will seek to extend this initiative within those establishments where possible. I would urge the committee to consider the implications of underage drinking, binge drinking and the proximity of licence premises to known problem areas where intelligence suggests that young people are vulnerable to the lure of alcohol.

The fear that the Licensing Act 2003 could lead to a major increase in incidents of crime and disorder and anti-social behaviour has not materialized. Similarly changes in legislation around smoking has not to date created issues. It is important that we all continue to maintain our enthusiasm to tackle issues promptly when they do arise.

The Police have maintained a robust approach towards licensing matters. Through good working relationships with the licensing trade and other agencies it has not yet been necessary for the Police to apply to the committee to review a premises licence or oppose a personal licence. With powers under the Violent Crime Reduction Act / Police Criminal Justices Act stronger measures to tackle Alcohol related incidents are now in place and we will not hesitate to use the powers at our disposal. We can assure the committee we will not hesitate to do so when the need arises.

Police and the Local Authorities must continue to 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 and support the communities we serve.

**John Busuttill**

**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 and recent legislation etc.

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

**The following schemes have existed for over five years on Geding North and South Areas and all are all very successful.**

**A60 ARNOLD CALVERTON CARLTON BURTON JOYCE**

### **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) (Operation Evasion)**

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

### **RASC**

RASC, Responsible Alcohol Sales Campaign. A Home Office initiative with funding to tackle the sale of alcohol to people who are drunk using the powers contained within the Licensing Act 2003, in particular section 141, which makes it an offence to sell alcohol to people who are drunk.

The initiative was match funded by our Local Authorities and South Notts Division Police funding. The campaign ran with an awareness period during November 2007 with the campaign running up to Christmas 2007.

A continual proactive approach was conducted by the Local Area Commands 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.

### **Confiscation of Alcohol Campaign 2008**

With funding from the Home Office this initiative ran between the 8th to the 24<sup>th</sup> of February 2008. The campaign proactively targeted local areas where young people gather and cause alcohol related crime and anti social behaviour.

It was selected in order to cover the school half-term holidays and focused on the officers involved to confiscate alcohol from the young people at the scene of these incidents and where applicable to use the 'Direction to Leave' power to disperse the young people from the area of the incident. They also used the opportunity to gather information regarding the young people's ability to access alcohol locally in order that follow up enquiries could be made with any identified licensed premises or through contact with parents if they were the source of the alcohol.

### **Test Purchasing (Operation Surefoot)**

In addition to the two government sponsored Alcohol Misuse Enforcement Campaigns, over the last two years the Police have carried out a number of operations targeting pubs and shops selling alcohol in the area. These will continue through funding when available.

Nottinghamshire County Council Trading Standards have also been very proactive across the Borough conducting a number of operations at off licences and supermarkets.

### **Operation Safer Towns and Villages**

The Safer Towns 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 and is ongoing.

## **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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**A Selection of Alcohol confiscated during the Home Office Confiscation of Alcohol Campaign.**

## GEDLING

Total licensed premises on Gedling North – 196 (inc 44 pubs & 40 off licenses)

Total licensed premises on Gedling South – 169 (inc 33 pubs & 37 off licenses)

The balance is made up of Village Halls, Community Centres, Hotels, Leisure Centres, temporary events etc.

Police **Visits** to Premises: 01/04/07 – 31/03/08

Gedling North Pubs/Off Licences 420

Gedling South Pubs/Off Licences 458

**INCIDENTS\*:** 01/04/07 – 31/03/08 01/04/06 – 31/03/07

Gedling North Pubs/Off Licences 441 485

Public Houses only 27 Assault by customer

4 Noise

108 Disorderly behaviour

Incidents between 0000 – 0300 18 Diso behaviour 15

Gedling South Pubs/Off Licences 315 389

Public Houses only 24 Assault by customer

1 Noise

74 Disorderly behaviour

Incidents between 0000 – 0300 21 Diso behaviour 17

\* 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.

### **Conclusion:**

The results indicate the problems of the past few years within our towns do not appear to have been compounded by the introduction of the new legislation or change of responsibility. There is an overall decrease in incidents at Public Houses and Off licences however there is a slight increase in incidents in the early hours of the morning.