

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE
8TH JANUARY 2007

Annual Report November 2005 to November 2006 to Council
on Licences Issued Under Licensing Act 2003

OPEN ITEM	
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
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APPENDICES:	Appendix 1 – Copy of Licensing Questionnaire Appendix 2 – Chart of Noise Complaints Appendix 3 – Annual Figures Licensing Register

1. PURPOSE OF REPORT

- 1.1 To consider an annual report required by the Statement of Licensing Policy for the District.

2. RECOMMENDATION

The Committee is asked to **RECOMMEND** to **COUNCIL**:

- 2.1 **The Statement of Licensing Policy should remain unchanged for the next 12 months.**

3. BACKGROUND

- 3.1 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, and late night refreshment. In discharging its function the Council must promote the four licensing objectives which are:

- Prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Each of the licensing objectives has equal weight.

Fundamental Principles

- 3.2 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 took effect from the 7th February 2005.
- 3.3 The Statement of Licensing Policy is a live document, subject to continuous review to meet the changing needs of the community, business circumstances and legislation.
- 3.4 A formal review of the Policy and further consultation will be carried out by February 2008.

The Council's Licensing Function and the Licensing Objectives

- 3.5 The Council's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact on local residents. The objective of the licensing process is for a unified system of regulation of licensable activities so that such activities are carried out in a way that ensures public safety but is not detrimental to residents and does not give rise to loss of amenity. Nothing in the policy will undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits.
- 3.6 The Council has delegated its licensing function to its Licensing and Environmental Committee, Sub Committee and Licensing Officers referred collectively as the 'Licensing Authority'.
- 3.7 Every application for licence has been considered on its own merits in line with the statutory Guidance and the Statement of Licensing Policy. The Licensing Authority has sought to balance the needs of the wider community, local community and commercial premises and activities against the needs of those who may be adversely affected by such activities.
- 3.8 The views of vocal minorities have not predominated over the general interests of the community.

Licensing Hours

- 3.9 When dealing with licensing hours each application has been dealt with on its individual merits.
- 3.10 The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

Types of Licence

- 3.11 The Licensing Authority is responsible under the Act for granting licences for any licensable activity, namely:
- The sale by retail of alcohol
 - The supply of alcohol by or on behalf of a club or, to the order of a member of the club
 - Regulated entertainment and
 - The provision of late night refreshment
 - Regulated Entertainment.
- 3.12 Entertainment provided in the presence of an audience for the purpose of entertaining that audience, which consists of:
- The performance of a play
 - The exhibition of a film
 - An indoor sporting event
 - Outdoor boxing or wrestling
 - A performance of live or recorded Music
 - A performance of Dance.

Late Night Refreshment

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

The Prevention of Crime and Disorder

- 3.14 The Licensing Authority 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.
- 3.15 A wide range of premises require licensing, including cinemas, night clubs, public houses, village and community halls, cafes, restaurants and fast food outlets/takeaways.
- 3.16 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers, can sometimes, if not properly managed, become a source of crime and disorder problems.

Local Economy and Culture

- 3.17 The Licensing Authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The Licensing Authority has worked together with all interested parties, statutory agencies and licensed business to ensure a mutual co-existence.

Nuisance / Anti Social Behaviour

- 3.18 The Licensing Authority has taken an objective view following relevant representations as to the potential for nuisance and anti social behaviour and has attached appropriate and proportionate conditions to the licences and certificates where necessary in order to prevent it. Any such conditions imposed have been tailored to the style and characteristics of the premises and the type of activities expected to take place there.

The Protection of Children from Harm

- 3.19 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.
- 3.20 The Licensing Act 2003 allows access by children to licensed premises subject to certain statutory restrictions. The Licensing Authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm (whether physical, moral or psychological). For example:
- Where entertainment or services of an adult or sexual nature are commonly provided
 - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - Where there is a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Films

- 3.21 Films cover a vast range of subjects some of which deal with adult themes and/or contain, for example scenes of horror or violence that may be considered unsuitable for children within certain age ranges. Licences reflect the recommendations of the British Board of Film Classification.

Live Music and Dancing

- 3.22 The Licensing Authority recognises the need to encourage and promote a broad range of entertainment for the wider cultural benefit of the community. The Licensing Authority has monitored the impact of licensing on the provision of regulated entertainment and particularly live music and dancing and has only imposed restrictions on such events when relevant representations have been made.

Temporary Event Notices

- 3.23 No permission is required from the Licensing Authority in relation to temporary event notices.
- 3.24 Two-hundred and twenty Event Notices were received during the period 24th November 2005 to 24th November 2006.
- 3.25 The Licensing Authority cannot seek to attach any terms, limitations or restrictions on the licensable activities at such events other than those set down in the 2003 Act and subordinate legislation made under it. However the Licensing Authority will endeavour where possible to provide local advice about proper respect for the concerns of:
- local residents
 - other legislation requirements health and safety, noise pollution or the building of temporary structures
 - other necessary permissions for example with regard to road closures or the use of pyrotechnics in public places, with regard to local bylaws and
 - the need to prevent anti social behaviour by those attending.

Integrating Strategies

- 3.26 The Licensing Authority will secure the proper integration of its licensing policy with other strategies adopted by the Council.
- 3.27 Where relevant representations have been made, any Conditions attached to premises licences and Club premises certificates have reflected so far as possible local crime prevention strategies and have taken account of any input of the local Crime and Disorder Reduction Partnership.
- 3.28 The Licensing Authority has ensured that planning, building control and licensing functions have been properly separated to avoid duplication and inefficiency.
- 3.29 The Licensing Authority has conducted itself in a way that has promoted good race relations with due regard to the need to eliminate unlawful discrimination.

Consultation

- 3.30 The Licensing Authority has consulted with local bodies in respect of:
- Local Crime Prevention
 - Needs of the local tourist industry
 - Cultural strategy for Worcestershire
 - Employment issues in the area.
 - Local relevant partnerships and their objectives

Wyre Forest Forum

- 3.31 The Licensing Authority has consulted with representatives from licensed premises, personal licences, business, residents and other appropriate bodies to establish whether there is a need to change the District Licensing Policy. A copy of the questionnaire is attached at *Appendix 1*.

Enforcement

- 3.32 The Licensing Authority has established protocols with local police and other relevant authorities. The protocols provide for the targeting of agreed problem and higher risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.
- 3.33 Two Premise Licence holders have been reported by Trading Standards for selling alcohol to children.
- 3.34 Three premises have received remedial advice from the Police following serious concerns over crime and disorder.
- 3.35 Noise complaints against Public Houses have increased by 32%. A copy of the noise complaint chart is attached at *Appendix 2*.

4. LICENSING REGISTER

- 4.1 Section 8 of Schedule 3 to the Licensing Act 2003 requires the Licensing Authority to keep a Public Register to record its administrative decisions under the Act. A copy is attached at *Appendix 3*.
- 4.2 The Licensing Sub-Committee considered thirty eight applications to vary applications for premises licence.
- 4.3 There was one appeal arising from these hearings to the Magistrates' Court.

5. CONCLUSION

- 5.1 The Licensing Policy for the District has:
- created flexibility of operating hours within licensed premises
 - reduced crime and disorder
 - satisfied consultees who recommend no changes to the current policy.

6. RECOMMENDATION

- 6.1 The Licensing Policy Statement should not be changed for the forthcoming 12 months.

7. CONSULTEES

- 7.1 Economic Development and Tourism Manager
7.2 Head of Cultural Leisure and Commercial Services
7.3 Forward Planning Manager
7.4 West Mercia Constabulary Licensing
7.5 Hereford and Worcester Fire and Rescue
7.6 Head of Legal and Democratic Services
7.7 Head of Planning Health and Environment
7.8 Licensing Stakeholders

8. BACKGROUND PAPERS

- 8.1 Statement of Licensing Policy – Wyre Forest District Council

18th December 2006