

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE
29 JANUARY 2010

Annual Report on Licences Issued under The Licensing Act 2003

OPEN	
RESPONSIBLE OFFICER:	Director of Planning and Regulatory Services
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APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 To consider an annual report on licences issued under the Licensing Act 2003 as required by the Statement of Licensing Policy for the District.

2. RECOMMENDATION

The Committee is asked to RECOMMEND to Council that:

- 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.

- 3.2 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

Fundamental Principles

- 3.3 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 current Policy was adopted on the 7th February 2009.
- 3.4 The Statement of the Licensing Policy is a live document, subject to continuous review to meet the changing needs of the community, business circumstances and legislation.
- 3.5 A formal review of the policy and further consultation will be carried out by February 2011.

The Council's Licensing Function and the Licensing Objectives

- 3.6 The Council's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact on local residents.
- 3.7 The Council has delegated its licensing function to its Licensing Committee, Sub Committees and Licensing Officers referred collectively to as the "Licensing Authority".

Types of Licence

- 3.8 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.
 - The provision of late night refreshment and
 - Regulated Entertainment.

Regulated Entertainment

- 3.9 Regulated entertainment is 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

- 3.10 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

- 3.11 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.

Local Economy and Culture

- 3.12 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. An example of this is the promotion of pavement cafes in the district operating within the terms of the proposed *Public Realm and Street-scene Policy (2009)*.

Nuisance / Anti social Behaviour

- 3.13 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.
- 3.14 There have been 64 complaints of noise from licensed premises this year. Some have been resolved very quickly through mediation, letter or advice, whilst others have been prolonged, requiring the gathering of evidence.

Smoking Legislation

- 3.15 On 1st July 2007 legislation became effective to control all smoking in enclosed public spaces, and workplaces, including shops, pubs and restaurants. The main purpose is to protect employees and the public from the effects of second hand smoke.
- 3.16 226 visits were made to premises during the year. It is evident that:
- trade has been reduced through the no smoking policy.
 - smoking issues have been self policing.
 - no fixed penalties have been required / issued to Licensees.

The Protection of Children from Harm

- 3.17 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.
- 3.18 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.

- 3.19 During the year, Licensing Officers have worked together with the Police to investigate children purchasing alcohol at Hambreys Newsagents /Off Licence in Horsefair. As a result of the intervention the premises ceased to trade and the Licence to sell alcohol was surrendered.
- 3.20 Officers of the Worcestershire Trading Standards have conducted a series of test purchases to shops and off licences in Wyre Forest to assess breaches of selling alcohol to young persons. One Licensee has been summoned to Kidderminster Magistrates Court for selling alcohol to children.

Reviews

- 3.21 A Review of the Premises Licence in respect of O'Dowds 27, Blackwell Street, Kidderminster was made on the 14th October 2009.
- 3.22 The grounds cited were that the premises were being mis-managed in such a way that they undermined the licensing objectives of the district and gave rise for concern on the grounds of:
- Crime and Disorder, and
 - Protection of Children from harm
- 3.23 Evidence was given by Police and Trading Standards Officers which was not contested.
- 3.24 The Sub Committee decided that additional conditions should be imposed, inter alia:
- The suspension of the Premises Licence for 28 days,
 - and a reduction in trading hours.
- 3.25 An appeal has been lodged against this decision and a fresh hearing will be conducted at the Magistrates Court sitting at Kidderminster on the 1st and 2nd March 2010.

Temporary Event Notices

- 3.26 No permission is required from the Licensing Authority in relation to Temporary Event Notices. Premises may have up to 12 events in any one year.
- 213 Notices were served on the Council
- 3.27 No problems have been caused.

Integrating Strategies

- 3.28 The Licensing Authority has secured the proper integration of its Licensing Policy with other strategies adopted by the Council
- 3.29 Where relevant representations have been made, any Conditions attached to premises licences have reflected so far as possible local crime prevention strategies as follows:
- The Licensing Authority has taken account of the local Crime and Disorder Reduction Partnership.
 - The Licensing Authority has made comment on various transport strategies, which touch on the provision of night-time and evening services.
 - It has been a consultee on the plans submitted for the new Kidderminster Railway Station and the County Transport Plan LTP 3.
 - The Licensing Authority has ensured that planning, building control and licensing functions have been properly separated to avoid duplication and inefficiency. Fourteen new Applications have been made to Vary Premises Licences.
 - 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.

Kidderminster / Stourport on Severn / Bewdley Licensees Association

- 3.30 The Licensing Authority has consulted with the representatives from licensed premises, and other appropriate bodies, and will continue to meet as and when required to discuss and keep under review matters relating to licensing.

Enforcement

- 3.31 The Licensing Authority has established protocols with local police and other relevant authorities. The protocols provide for the targeting of agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.

Out of Hours Inspections

- 3.32 Premises in the district are inspected late at night and at weekends by a Part-time Officer with shared responsibilities for noise and licensing. He acts in an advisory role to Licensees to ensure that premises are run in accordance with the operating schedule of the premises, and gathers intelligence on any change in status which may give rise for concern to the Licensing Authority.
- 3.33 Each of the 340 premises has been rated according to risk.

Early Intervention

- 3.34 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.
- 3.35 Officers will work with the representatives to achieve a resolution to the problems.

County Licensing Officers Working Group

- 3.38 The responsibility of the Licensing Authority is created by statute and is administered by the district Licensing Officers operating within the county of Worcestershire. To prevent legal challenge, it is an important that the Licensing function is operated in consistent way, both through local offices and the Worcestershire Hub. To achieve this aim, Officers meet on a regular basis to share information on services and to engage in the drafting of Licensing Policies. This has been a successful formula over the past three years to provide common Licence Application Forms and Guidance Notes throughout the County.

The Institute of Licensing

- 3.39 The Institute of Licensing is a National organisation of England and Wales and is divided into regions. It offers direction to local authorities on new legislation and training. This Council is a major contributor to the Institute and your Principal Licensing Officer is currently the Vice-Chair of the West Midland region.

Member Training

- 3.41 Members receive regular and modern training in the matters of Hearings and Reviews (Licensing Act 2003) and that every opportunity is taken to reduce costs by sharing (where appropriate).
- 3.42 Officers have worked with Redditch Borough Council in joint training for reviews.

4. THE PUBLIC REGISTER

4.1 Number of Licences at December 2009

Personal Licences	663
Premises Licences	341
Club Premises Certificates	39

4.2 **Number of Licence Applications Received for the Year 2009**

Personal Licences	69
New Applications for Premises Licences	15
Applications to Vary Premises Licences	11
Applications to Vary the Designated Premises Supervisor	53
Application to Transfer Premises Licences	24
Temporary Event Notices	203

4.3 **Number of Licences which have required Hearings / Review / Appeals**

Hearings	1
Reviews	1
Appeals to Magistrates Court	1

4.4 **Number of Licences that have ceased to trade / lapsed licences**

Ceased to trade / lapsed licences (last 3 years)	36
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4.5 **Number of Complaints made against Licensed premises**

Complaints Total	48
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5. **FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report.

6. **LEGAL AND POLICY IMPLICATIONS**

6.1 There are no Legal and Policy implications arising from this report.

7. **RISK MANAGEMENT**

7.1 There are no Risk Management implications arising from this report.

8. **CONCLUSION**

8.1 The Licensing Policy Statement is consistent with that of the other districts operating within the County of Worcestershire.

8.2 The Licensing Authority has worked together with all interested parties, statutory agencies and licensed business to ensure a mutual co-existence.

8.3 The Council has achieved its aim to facilitate well run and managed premises that display sensitivity to the impact on local residents.

9. CONSULTEES

9.1 Director of Planning and Regulatory Services

9.2 Director of Legal and Corporate Services

9.3 Director of Community and Partnership Services

9.4 Policy and Regeneration Manager

9.5 West Mercia Police

10. BACKGROUND PAPERS

10.1 Statement of Licensing Policy – Wyre Forest District Council

10.2 Protocol between West Mercia Police and Wyre Forest District Council