

# Consultation on Revised Licensing Policy

## Summary of the Representations and Responses Received

### Background

Section 5 of the 2003 Act requires a licensing authority to prepare and publish a Licensing Policy every three years. The consultation exercise was conducted between October 2007 and November 2007. All of the responses received have been recorded, and summarised in this document. For ease of reference, they have are listed under the headings relevant to the draught policy.

Relevant Paragraph of Revised Policy	Respondent	Comments	Assessment of Comments	Action Proposed (Recommendations to Committee)
<b>GENERAL COMMENTS ON THE DOCUMENT</b>				
Para 16 & 17 - Enforcement	British Beer & Pub Association (BBPA)	Welcomes a recognition of the Hampton principles of inspection and enforcement in this section, which include the following: No inspection should take place without a reason. Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection.	Risk based inspection criteria are clearly stated in the Enforcement Protocol, which all Councils in Kent have agreed with Kent Police, Trading Standards and Fire Service. Ashford schedules inspections using a risk analysis, which has regard to the licensing objectives.	No changes to policy.
General	Wye Village Design Group	Notice of all licensing applications should be sent to the appropriate Parish Councils.	The Secretary of State's Guidance suggests it is open to each authority whether it wishes to notify other parties, although it is not a statutory requirement. It is understood that Parish Council would not be able to make representations themselves.	Recommend no changes to policy, but email notification of new and variation applications to the relevant Ward Members & Parish Council.

<b>PART A; INTRODUCTION</b>				
Para 18 – Cumulative Impact	Legal Services	Need is not a matter for licensing or planning.	Removal of the reference to planning in para 18 based on advice from Legal Services.	Suggest “The Licensing Authority will not take ‘need’ into account when considering an application, as this is a matter for the market.”
<b>PART B: PREMISES LICENCES</b>				
Para 32 – Operating Schedules	British Beer & Pub Association (BBPA)	Believes applicants should not be expected to offer “best practice” as a condition on the licence as it is inevitable that this will be subject to change over time.	Legally conditions must be necessary for the promotion of the licensing objectives.	Removal of the words “and/or best practice” is recommended to members.
Para 41 - Conditions	British Beer & Pub Association (BBPA)	It would be helpful if the policy could emphasise that representations must be upheld at a hearing.	While it is stated in para 8 that representations must be relevant, rephrasing may add clarity	Suggest “Where a relevant representation has been received from either an interested party or a responsible authority and upheld at a hearing, additional conditions may be imposed on the licence.”
<b>PART C: LICENSING OBJECTIVES</b>				
Para 59 – Public Safety	Legal Services	Removal of the customer profile statement, as it adds little to the policy	Customer profile (e.g. age, disability, etc)” is a valid factor to take into account when conducting risk assessments.	No change to policy.
Para 60 – Occupancy Limits	Licensing Manager	Revision to para 60 as a mistake was made on the drafting.	Revision of para 60, based on guidance issued by Secretary of State	Add “In accordance with the Secretary of State’s guidance, safe capacities should <b>only</b> be imposed where necessary for the promotion of public safety or the prevention of crime and disorder.”
<b>PART D: TEMPORARY EVENT BOTICES</b>				
Para 75	Hamstreet Victory Hall Management Committee	Reduction in the required paperwork for Temporary Event Notifications.	The process is set down in statute, so no reduction is possible in the short term. However the DCMS are looking at the possibility of removing the need for a	No change to policy recommended, but the Licensing Manager will write to the Management Committee and inform them of potential changes in the legislation.

			DPS in village halls.	
<b>PART E: PERSONAL LICENCES</b>				
Para 85 - DPS	British Beer & Pub Association (BBPA)	There is no mechanism in the Licensing Act for licensing authorities to “expect the DPS to have additional training and experience in addition to the personal licence qualification”.	While training may not be necessary in all circumstances, it may be in some cases.	Suggest “In addition to the DPS holding a personal licence, the Licensing Authority may also expect the DPS to have additional training and experience commensurate with the nature and style of the operation of the premises, where appropriate.”
<b>APPENDIX A: THE BOROUGH OF ASHFORD</b>				
Consultation Details	Licensing Manager	Update on consultation process	Policy should stipulate the consultation process.	<p>Suggest:  “Consultation was undertaken both in hard copy i.e. posting out of policies and requesting written replies and also in electronic format via the Council's website. The following groups were consulted.</p> <ol style="list-style-type: none"> <li>1. <i>Public</i>  A press release was placed in the Kentish Express notifying the public and businesses of the consultation exercise. A number of resident associations were contacted in writing inviting comments.</li> <li>2. <i>Existing licensees</i>  Holders of premises licences and club premises certificates were invited to request copies of the policy and to submit. In addition a random sample of personal licence holders were contacted. A number of members of the trade and their representatives requested all relevant information be sent to them and have submitted comments.</li> <li>3. <i>Businesses</i>  Representatives of the town centre partnership and Chambers of Commerce were sent copies of the policy and asked to comment.</li> </ol>

				4. <i>Responsible Authorities</i> All responsible authorities were sent copies of the policy and invited to make comments.”
<b>APPENDIX C: KEY LOCAL ISSUES</b>				
Ashford Town Centre – Prevention of crime & disorder	British Beer & Pub Association (BBPA)	Opposed to participation of Pubwatch being a condition of the licence They are voluntary organisations & membership must remain voluntary if they are to be effective. Must be able to determine their own membership, which would become almost impossible if leaving a Pubwatch would result in a breach of condition. Trust policy merely seeks to encourage Pubwatch membership rather than make it a condition of licences.	Conditions that require licence holder/DPS to attend Pubwatch are very difficult to enforce and if a condition cannot be enforced, it should not be made a condition on licences. Licence holders should be encouraged to attend, but not compelled.	Suggest “Pubs and clubs licensed to sell alcohol beyond 23.00 in the Ashford Town Centre to become encouraged to become members of the Town Centre Pubwatch radio scheme.”
Underage Drinking	British Beer & Pub Association (BBPA)	Does not wish to see ‘Proof of Age’ become a condition. The promotion of good practice in the application of its ‘Challenge 21’ policy which is designed to assist businesses to comply with the law is encouraged by the BBPA. However they believe it would have a contrary effect if those measures were then to also become the law by the application of a condition to make it mandatory.	No reference to the challenge 21 is made in the policy and stressing the importance of due diligence measures should be encouraged. No other consultee has objected to this issue.	Recommended that the references to underage drinking remain unchanged.



## **The Weald Police Crime Reduction Department Licensing Unit**

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CHAIRMAN, LADIES AND GENTLEMEN

I submit for your information, the Licensing Report for the year ending 31st October 2007

The introduction of the new Licensing Act 2003 on the 24th 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. The improvement in working relationships between the Local Authority and the Police has developed and grown from strength to strength.

The full effects of the changes to the Licensing Laws 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 Ashford Area. However, in general, operators have approached the new legislation with some degree of caution, attempting to create a positive image that longer hours would and will not result in higher levels of alcohol related disorder. All Licensees are fully aware of their responsibilities under the Act and run their businesses in a responsible and professional manner, which in turn enables those Responsible Authorities concerned to support premises suffering difficulties. Experience has shown that premises suffering problems with the implementation of the four main licensing objectives, administrative / managerial shortcomings or with environmental issues relating to the vicinity of the premises have positively benefited from directed, cooperative, inter authority early interventions.

### APAC & Pub Watch

Operators in the Town area have all shown a positive approach to the new legislation and all are members of the Ashford Partnership Against Crime Pub Watch Scheme. It is clear that the initial joint initiatives undertaken by the 'Responsible Authorities' during the transition period and first twelve months of operation under the Licensing Act have proved highly beneficial in ensuring a smooth implementation of the Act. It is also clear that there has been a direct benefit of putting more officers on the street and on identified 'Red Routes' within the Town area. Increased licensing activity has in some cases caused an increase in reported and detected low level Public Order Offences but has also brought about a positive reduction in more serious crimes of violence against the person.

As part of their APAC Pub Watch membership, each member is provided with a radio which provides contact with the Ashford Monitoring Centre and other users. A new communications protocol has been developed and the system works well, enabling either the AMC or users to alert others to possible sites or instances of disorder. This communication will be further improved by the provision and use of Airwaves at the AMC which should be in place before the Christmas period. The increasingly proactive use of the Town cameras has made a positive difference in reducing alcohol-fuelled disorder in the Town area. All licensees welcome the increased police presence with regards to both the daytime and night-time economy and there are frequent night-time walk-throughs by uniformed officers which provide a degree of deterrence and reassurance to the public.

## Police & Inter-Agency Initiatives

The Police, in partnership with KCC, CSU, CDRP and APAC have developed a number of specific campaigns and initiatives to target alcohol related violence and other licensing issues. The County wide 'Walk Away' (Safer Kent) campaign, which is a poster driven campaign targeting the 18-26 year old age group has been well supported, especially in the Town area. The Police also have a 'Safer Autumn' initiative which runs from 20<sup>th</sup> October until 6<sup>th</sup> November. On the build up to the Christmas period there will be another initiative regarding the Designated Driver Scheme and Pub watch members are fully supportive of this. The 'Spikey', alco-tops and anti drink spiking initiatives are still progressing, as is the increased use of alcohol detection strips which are used by door supervisors and Police to check soft drinks for any alcohol. There is also an anti-social behaviour questionnaire being rolled out which has been designed to monitor the public's perception of crime and enable the police to address issues of local concern.

The introduction and success of the Safer Business Award Scheme with regards to the daytime economy, the introduction of a Safer Socialising Award regarding licensed premises and the night-time economy is being rolled out before Christmas. These are nationally recognised schemes and are both designed to encourage and enhance local businesses and provide reassurance to the public.

At a very local level there is concern in relation to alcohol misuse by young people. Underage sales and the instances of proxy sales have risen slightly. There is a schools initiative underway to highlight the dangers of alcohol abuse as well as the consequences of using fake or false I.D. to purchase alcohol. Areas used for underage drinking, local Beat Officers and PCSOs are targeting binge drinking and other non-licensing issues. This is a significant challenge and will be tackled robustly. The Police have close links with Trading Standards Officers and there have been a number of intelligence led operations targeting premises thought to be selling alcohol to underage children. The latest operation resulted in two premises being considered for prosecution.



Over the year there have been a number of Police operations designed specifically to tackle alcohol related disorder. The increased deployment of Hawkeye together with Operations such as Hannibal and Excalibur involved the placement of additional officers, both mobile and on foot in identified hot spots and red routes, specifically targeting areas subject to anti-social behaviour and alcohol fuelled disorder. Operation Echo also developed tasking for officers reference Under 18 functions in the Town i.e. Liquid Envy. Operation Pilot involved the use of passive drugs dogs at target locations in Town.

I have attached some statistical information showing recorded incidents throughout the BCU with special regard to the night-time economy. A brief overview shows that from the financial year beginning April 2007 to August 2007 there had been a 6.3% fall in public order incidents and the rolling year, September 2006 to August 2007 showing a 7.3% fall. The attached figures show that, overall, the number of crimes committed in the night-time economy is slowly falling

The Police can assure committee members that the Police have maintained a robust approach towards licensing matters and Police Officers and Community Support Officers will continue to make regular visits to premises and areas where alcohol abuse 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 such as identified 'Red Routes' and visits to problem premises. It is through these tactics that we will address alcohol related violence and reassure the public. It has not yet been necessary for the Police to apply to the committee for a review of a premises licence. I believe that this is mainly due to the fact that the police, local authority and other responsible authorities continue to work well in partnership, through mediation and negotiation, prioritisation and the coordination of joint initiatives to address and resolve any issues that impact upon the licensing objectives. However, we can also assure the Committee that the police will not hesitate to apply for a review of a licence should the need arise.