

Select Committee on Community Safety and Community Services
11th January 2006

Report of the Director of Law and Property

Impact of the Licensing Act 2003
following its implementation in November 2005.

Purpose of Report

1. To inform the Committee of the impact of the liquor licensing legislation since implementation in November 2005.

Background

2. Under the Licensing Act 2003 the Council has full responsibility for licensing the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
3. The legislation created a transitional period from the 7th February 2005 to the 31st August 2006 to allow the existing licence holders to apply to the Council for Premises, Club Premises Certificates and Personal Licences. The legislation formally commenced on 24th November 2005.
4. During this period all applicants for premises licences could either convert their existing licences and/or make application to vary the hours, regulated entertainment or late night refreshment. These new premises licences came into force on the 24th November 2005, as did Personal Licences which authorise the sale and supply of alcohol.
5. Responsible Authorities (for example, the police) and Interested Parties, (local residents), are able to make representations in respect of applications to vary premises' licences, and through the transitional period the Licensing and Safety Sub-Committees determined 72 cases where representations had been received.
6. Following the transitional period, (post November 05) the Licensing Office has received 246 applications to vary premises licences, 39 of these have been determined by the Licensing and Safety Sub-Committees because relevant representations have been received. These representations have been made either by members of the public or Environmental Health or both.

7. The variation applications have either been to request extension of hours for the supply of alcohol and/or additional requirements in respect of regulated entertainment.

Variation of Licence – Hours for Supply of Alcohol

<u>Number of Premises</u>	<u>Terminal Hours for Supply of Alcohol</u>
96	23:00
01	23:30
66	00:00
08	00:30
47	01:00
01	01:30
24	02:00
03	02:30

The above permitted hours for the supply of alcohol are for either the full 7 days or alternatively where the hours exceed 23:00, the extension may be only for Thursday, Friday and Saturday.

8. During the same period the Licensing Enforcement Team have processed 158 complaints which can be categorised as follows:-

<u>Complaint/Expression of Concern</u>	<u>Numbers</u>
Failure to display notices	07
Noise Related (Nuisance when leaving premises/beer gardens, etc)	37
Breaches of Conditions	72
Unlicensed Premises	12
Designated Premises Supervisor Queries	15
General Advice	15

All these complaints have been resolved ,although 1 complaint resulted in the review of a premises licence by the Licensing and Safety Sub-Committee.

9. The review of licence was as a result of representations made by both the police and the fire service in respect of the operation of the premises in relation to events for children under the age of 18 years. The matter was resolved by the addition of stringent conditions of licence in respect of the operation of these events.

10. Specific licensing related issues for Stourbridge Town Centre

In April 2006 the Police analysed the recorded violent crime in Stourbridge Town Centre. This demonstrated that in March 2001, there was only one nightclub in Stourbridge, which was closed for refurbishment until June 2002. During that time the information showed that violent crime levels predominately remained below the average of 25 offences per month. High capacity venues were opened in October 2002, November 2004 and January 2005. This led to a significant rise in violent crime well above the average of 25 offences per month showing peaks of 48 offences when the licensing hours changed in November 2005.

11. In consultation with Licensing this evidence was used to support the introduction of a Special Policy regarding Cumulative Impact in respect of Stourbridge Town Centre which was finally approved by full Council on the 16th October, 2006. The special policy creates a rebuttable presumption that applications for new premises licences or club premises certificates, or material variations to existing licences would normally be refused, if relevant representations are received, unless it can be demonstrated that the proposed operation of the premises involved will not add to the cumulative impact of existing premises on the licensing objectives.
12. On the 21st November, 2006 The Licensing and Safety Sub-Committee considered an application to vary the premises licence in respect of the Picture House Night Club because of representations made by the police. The application was to vary the hours for Regulated Entertainment for Monday to Wednesday 11.00pm - 02.30am and Thursday to Sunday 11.00am to 03.00am. The Sub-Committee refused this application on the ground that the Cumulative Impact Policy applied in the case and they were not satisfied that the applicant had demonstrated that there would be no adverse effect on the Licensing objective regarding crime and disorder.
13. As a consequence of the numbers of licensed premises in Stourbridge Town Centre, significant numbers of young people have been drawn to the town, (particularly on a Thursday, Friday and Saturday evening). This has led to large numbers of young people congregating in the Town Centre at the end of the evening filling the footpaths and spilling into the High Street. Added to this problem are large numbers of private hire vehicles, many plying for hire, which block the carriageway and cause hazardous situations for pedestrians while preventing access for emergency vehicles. The police are of the view that longer licensing hours in Stourbridge have resulted in these problems being moved into the early hours at peak times.
14. To try to alleviate this problem, in July 2006 a multi-agency meeting involving the police, council officers and councillors agreed to explore further proposals to close Stourbridge High Street to all vehicles except emergency vehicles and hackney carriages between the hours of 10.00pm and 4.00am, with a designated parking area for legitimately booked private hire vehicles. Taxi Marshals would also be employed to assist the public with the new arrangements and Licensing Enforcement Officers on hand to assist.

15. The public and the hackney carriage and private hire trade were all consulted in respect of these proposals and Stourbridge Area Committee on the 10th October, 2006 resolved to support a 6 months trial of the proposals for the introduction of special traffic management measures for Stourbridge High Street (Thursday, Friday and Saturday (12.00 midnight – 4.00am).

Finance

16. The Licensing function is funded by the fees charged which are set nationally.

Law

17. The Licensing Act 2003 governs the Licensing of Alcohol, Regulated Entertainments and Late Night Refreshments.

Equality Impact

18. This report complies with the Council's policy on equal opportunities.
19. The Licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
20. There has been no consultation or involvement of children and young people in developing this report.

Recommendation

- 21 It is recommended that:-
 - The Committee note the information contained in this report.

John Polychronakis

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JOHN POLYCHRONAKIS
Director of Law & Property

Contact Officer: Janet Elliott
Telephone: 01384 815763
Email: janet.elliott@dudley.gov.uk

List of Background Papers

Not applicable.