

saferbromley partnership

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London Borough of Bromley
7 December 2010

To: Members of the

saferbromley partnership

STRATEGIC GROUP

Councillor Peter Morgan (Chairman)
Rob Clarke, (London Probation Service)
James Cleverly, (Metropolitan Police Authority)
Sue Cooper, (Affinity Sutton Homes)
Judith Cross, (Bromley Community Engagement Forum)
Nigel Davies, (LBB Director, Environmental Services)
Clive Davison, (LBB Assistant Director, Public Protection)
Charles Griggs, (Borough Police Commander)
Andrew Holcombe, (Borough Commander, Fire Services)
Ulanta Messeter, (Magistrates Court)
Paula Morrison, (Bromley PCT)
Colin Newman, (LBB Head of Community Safety)
Howard Oldstein, (The Glades)
Doug Patterson, (LBB Chief Executive)
Tracy Pidgeon, (London Ambulance Service)
Eithne Rynne, (Community Links Bromley)
Simon Schutte, (UK Border Agency)
Sarah Walker, (Metropolitan Police Authority)
Non Voting Members: Councillor Reg Adams and Councillor Julian Benington

A meeting of the Safer Bromley Partnership Strategic Group will be held at Committee Rooms, Bromley Civic Centre on THURSDAY 16 DECEMBER 2010 at 10.00 am

A G E N D A

- 1 INTRODUCTIONS / APOLOGIES FOR ABSENCE
- 2 MINUTES OF LAST MEETING / MATTERS ARISING (Pages 3 - 10)
- 3 PERFORMANCE MANAGEMENT REPORT (QTR 2) (Pages 11 - 12)

Please note: This is a draft report. The final report will be provided shortly.

4 BOROUGH COMMANDER UPDATE

(Verbal Update)

5 POLICE UPDATE - OPERATION SALSA

(Verbal Update)

6 UK BORDER AGENCY

Presentation by Simon Schutte.

7 LICENSING POLICY (Pages 13 - 52)

Presentation by Paul Lehane.

8 DRUG ACTION TEAM ANNUAL REPORT (Pages 53 - 58)

9 YOUTH OFFENDING TEAM ANNUAL REPORT (Pages 59 - 64)

10 REPORTS FROM SUB-GROUPS

(Tactical Group Report, Arson Sub Group Report and Bromley Community Engagement Forum) – (Verbal reports)

**11 PUBLIC PROTECTION AND SAFETY PDS COMMITTEE SCRUTINY
FORTHCOMING MEETING THEME - ALCOHOL AND COMMUNITY SAFETY**

12 INFORMATION ITEMS

a ORPINGTON (MANAGING PUBLIC REALM) MINUTES

To Follow

**b LGA BRIEFING - POLICE REFORM AND SOCIAL RESPONSIBILITY BILL
2010 (Pages 65 - 70)**

13 ANY OTHER BUSINESS

14 DATE AND TIME OF NEXT MEETING

10.00am, Thursday 24th March 2011

.....

Agenda Item 2

SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP

Minutes of the meeting held on 23 September 2010

Present:

Councillor Peter Morgan (Chairman)

Rob Clarke, (London Probation Service)
James Cleverly, (Metropolitan Police Authority)
Nigel Davies, (LBB Director, Environmental Services)
Clive Davison, (LBB Assistant Director, Public Protection)
Charles Griggs, (Borough Police Commander)
Paula Morrison, (Bromley PCT)
Colin Newman, (LBB Head of Community Safety)
Howard Oldstein, (The Glades)
Eithne Rynne, (Community Links Bromley)
Simon Schutte, (UK Border Agency)
Sarah Walker, (Metropolitan Police Authority)

Also Present:

Susie Clark, (LBB Communications Officer)
Charmaine Dennis, (Affinity Sutton Homes)
Karen Fletcher-Wright, (LBB Assistant Director CYP: Access and Inclusion)
Terry Gooding, (Bromley Fire Service)
Cora Green, (Bromley Victim Support)
Martin Huxley, (Deputy Borough Commander)
Dave Prebble, (Metropolitan Police)
Irving Radnor, (Bromley Community Engagement Forum)
Maria Smith, (London Ambulance Service)
Elayne Stewart, (Youth Offending Team)
Rob Vale, (LBB Trading Standards)

1	INTRODUCTIONS / APOLOGIES FOR ABSENCE	Action
	Apologies were received from Councillor Benington, Sue Cooper (Affinity Sutton Homes), Ulanta Messeter (Magistrates Court), Tracey Pidgeon (London Ambulance Service) and Peter Williams (Government Office for London)	
2	MINUTES OF LAST MEETING / MATTERS ARISING	Action
	The notes of the last meeting held on 27 th May 2010 were received: It was noted: Minute 4 – Performance Management Report (2009/2010) – The Head of Community Safety confirmed that a report around drug use and treatment in the Borough would be provided to the next meeting	DP

	of the Partnership. It was AGREED that the minutes be approved.	
3	COMMUNITY SAFETY DEPARTMENTAL CHANGES	Action
	The Director of Environmental Services outlined Departmental changes across the Community Safety Team. The Community Safety Team was now placed within Environmental Services and Nigel Davies, Director of Environmental Services would be acting as the lead officer representing London Borough of Bromley in the Partnership. It was AGREED to note Community Safety Departmental Changes.	
4	PERFORMANCE MANAGEMENT REPORT (QTR 1)	Action
	Consideration was given to the performance management report for Qtr1: 2010/11. The majority of the targets had a Green rating, reflecting positive progress since the start of the year. Progress had been made in reducing serious acquisitive crime and the sustained reduction in criminal damage had been reassuring. However there was a small number of targets that had been rated Red or Amber. There was a red indicator around Reduce Levels of Assault with Injury NI 20. The Head of Community Safety underlined that the Partnership had set a target that was more stretching than that set by the Police. There was also a red indicator around the target to support 90% of young offenders into suitable education, employment or training. Eithne Rynne suggested volunteering might be utilised as a route into employment and training through the Youth Action Team. Elayne Stewart explained that the emphasis was on supporting young offenders back into education but noted that a mentoring scheme was in place for young offenders which utilised volunteers. Dave Prebble confirmed that the Bromley Police also ran a mentoring scheme for those undertaking community payback and were currently working with Community Links Bromley to attract more volunteers. It was AGREED that the Performance Management report for 2009/10 be noted.	
5	STRATEGIC ASSESSMENT AND REVIEW	Action
	Consideration was given to a report outlining the proposed Control Strategy Priorities for 2010/11. The Head of Community Safety highlighted that the temporary reduction in resources available for	

	<p>crime analysis by both the Community Safety Team and the Police had impacted the Partnership's ability to complete a formal Strategic Assessment. Therefore it was proposed that the Partnership confirm the continuation of the existing Control Strategy Priorities in 2010/11.</p> <p>The Partnership considered the proposal. James Cleverly noted that whilst local priorities might not change, the Comprehensive Spending Review might impact the ability of Partners to deliver them.</p> <p>The Borough Commander stressed the importance of employing a crime analyst so as to be able to assess priorities for policing. The existing Police Senior Crime Analyst was currently away on maternity leave. The Chairman queried whether the Bromley Police and Community Safety team might share a Senior Crime Analyst. The Borough Commander confirmed that cross-working was undertaken where appropriate, and a number of Partners highlighted the value derived from meaningful and targeted analysis of crime and disorder in directing resources.</p> <p>It was AGREED that the existing Control Strategy Priorities be continued in 2010/11.</p>	
6	<p>TACKLING DRUG SUPPLY INITIATIVE</p> <p>Consideration was given to the planned programme of enforcement action to tackle the issue of drug supply within the borough. The programme would target the night time economy by engaging local businesses, such as licensed premises, with the project. Many of these had been visited during the Summer to warn them that this programme was to be implemented and that as part of that programme, premises would be subjected to random searches. A public launch in mid-October 2010 would highlight the 'no tolerance' approach to drug supply. A number of detection and challenge events would be held at key focus points in November 2010, and more targeted operations would be deployed in relevant premises during December 2010. Howard Oldstein underlined the importance of informing town centre forums about the planned programme.</p> <p>Dave Prebble noted a number of successful operations against the supply of drugs in the borough, including the recent closure of a crack house and drug awareness work being undertaken in schools and colleges, and noted that close-working was undertaken with other police units, such as the Serious Crime Group tracking drug supply via channel ports. Funding had been set aside for future planned operations.</p> <p>It was AGREED that</p> <p style="text-align: center;">1) the proposed programme of work to tackle the issue of drug supply within the borough be noted;</p>	Action

	<p>2) the proposed outline of activity and proposed methods of further engagement of Partners in delivering the outcome of disrupting and reducing the supply of illegal drugs in Bromley be endorsed.</p>	
7	<p>AGREED BUDGET ALLOCATION 2010/2011</p> <p>Consideration was given to a report outlining the proposed budget allocation for 2010/11.</p> <p>The Head of Community Safety highlighted a number of changes from the indicative budget presented at the last meeting due to further reductions in the budget allocation following the reduction of the levels of Area Based Grant (a total reduction of 20% within the year). The Assistant Head of Community Safety post had been deleted in order to prioritise funding for the continuation of the Domestic Abuse Advocacy Service. The budget for Community Payback Deployment had been reinstated, and a grant of £10,000 would be made towards the work of the Drug Action Team. Further budget provision had been made to fund the completion of the proposals to implement Integrated Offender Management and to allow for community based clean-ups. The current format of the Community Safety Team was also to be reviewed following the results of the Comprehensive Spending Review.</p> <p>The Head of Community Safety confirmed that £67k of Prevent funding carried over from 2009/10 was not ring-fenced and could be utilised to support youth interventions across the borough linked to tackling violent extremism.</p> <p>It was AGREED that:</p> <p>1) the final proposed budget for 2010/11 be endorsed; 2) the current position with regard to the Prevent Grant allocation for 2010/11 be noted.</p>	Action
8	<p>SAFER BROMLEY VAN (PRESENTATION)</p> <p>Cora Green, a representative of Victim Support Bromley, gave a presentation outlining the work being undertaken through the Safer Bromley Van, a scheme providing free home security to victims of crime and vulnerable people in Bromley. The Van also undertook contracts from the Bromley Sanctuary Scheme that provided free home security to those who felt unsafe in their homes due to attack and threats from former partners.</p> <p>Cora Green highlighted the success of both schemes, with 713 jobs undertaken across the borough in 2009, and noted that the average cost of a job undertaken through the Safer Bromley Van was £124, against an average price of £150 for a local tradesman. There were uncertainties regarding funding for the Safer Bromley Van initiative</p>	Action

	<p>in 2011/12 and a range of options was presented for the Partnership's consideration. Option 1 was the preferred option and would allow current service levels to be maintained, provided the case could be made to Affinity Sutton Housing to resume their contribution to the scheme.</p> <p>Charmaine Dennis, the representative from Affinity Sutton, noted that there had been a number of budgetary pressures on the housing provider, but that the request for funding would be kept under review.</p> <p>Dave Prebble highlighted there had been 100% success rate in properties that had been burgled not experiencing re-victimisation following work undertaken by the Safer Bromley Van, and underlined the potential to market the Safer Bromley Van to RSLs as an opportunity to invest-to-save, as the project was beneficial to both residents and social housing stock.</p> <p>The Borough Commander proposed that members of the Partnership work together to develop a business case for invest-to-save to support Victim Support Bromley to engage in strategic negotiations with social landlords across the borough. He also noted the importance of ensuring there was stock retained to undertake jobs in 2011/12. He proposed that representatives of the Police, London Borough of Bromley and Bromley Victim Support meet with Affinity Sutton to remind them of the benefits of the work done by Victim Support.</p> <p>It was AGREED that progress on future funding for the Safer Bromley Van be reported back to the Safer Bromley Partnership at its next meeting on 16th December 2010.</p>	CG/ND/ CN/CG
9	<p>TACKLING ROGUE TRADERS, PROTECTING VULNERABLE ADULTS (PRESENTATION)</p> <p>Rob Vale, LBB Trading Standards Manager gave a presentation outlining work being undertaken to tackle rogue traders across Bromley, including preventative work with vulnerable groups. He noted that since 2002, Trading Standards had stopped £1.1m being paid to rogue traders with £487k in 2010 alone. A number of prosecutions had also been successful.</p> <p>Eithne Rynne asked whether cross-borough work was being carried out to stop rogue traders. Rob Vale confirmed that there were regional and national hubs for Trading Standards teams, and that shared intelligence had been instrumental in stopping rogue traders. The Borough Commander congratulated Rob Vale on the excellent work of Trading Standards.</p> <p>It was AGREED to note the presentation.</p>	Action

10	REPORTS FROM SUB-GROUPS	Action
	<p><u>Tactical Group Report</u> – The Deputy Borough Commander reported that the Police were continuing to achieve a reduction in crime across the borough including reductions of 14% in serious acquisitive crime and 29% in burglary. There was a small increase in personal robbery offences, compared to September 2009/10, and cross-border crime continued to have an impact on the Borough. In response to a question from the Chairman, Simon Schutte confirmed that the UK Border Agency worked to tackle people living and working in the UK illegally and would be happy to provide statistics to a future meeting around how this issue impacted Bromley.</p> <p><u>DAT Report</u> – Dave Prebble advised that the Drug Action Team was now also reporting to the Health, Social Care and Housing Partnership, and that the Joint Commissioning Group had been reorganised to include Lead Officers from each Portfolio and a range of partners. He noted that work was being undertaken to strengthen links with GP services to ensure appropriate support was provided to drug users following treatment.</p> <p><u>YOT Report</u> – Elayne Stewart advised that the Youth Offending Team was currently preparing for inspection by the HM Inspectorate of Probation and considering how to further strengthen service provision. The introduction of Youth Rehabilitation Orders had significantly reduced the levels of reoffending.</p> <p><u>Arson Sub Group Report</u> – Terry Gooding reported that incidents of arson had been ongoing in the Cray Valley area but that interventions by Safer Neighbourhood Teams and use of CCTV was working to tackle this. A recent spate of arson in and around the woods in the Mottingham area had been addressed through close partnership working across a range of partners. Preventative work had also been undertaken in the Glades Shopping Centre and on Safer Bromley TV to encourage safe disposal of rubbish. An increase in ‘shut in lift’ incidents had been tackled by charging management companies after 10 incidences, which encouraged better lift maintenance.</p> <p><u>Bromley Community Engagement Forum</u> – Irving Radnor confirmed that the Bromley Community Engagement Forum was looking at ways to develop its services into the future and was seeking to build closer links with Community Links Bromley. An outreach day had been held in partnership with the Safer Transport Police in the Glades Shopping Centre on 11th September 2010. Issues identified included the safety of buses at night. The Deputy Borough Commander noted that levels of crime on buses at night were low and highlighted the need to change perceptions.</p>	SS

	<p><u>Children's Trust Board</u> – Karen Fletcher-Wright advised that the Children's Trust was undertaking a consultation on the Children's Plan for 2011/12. She welcomed feedback from partners and noted the importance of ensuring strategies from the Bromley Partnerships worked together.</p>	All Partners
11	<p>PUBLIC PROTECTION AND SAFETY PDS COMMITTEE SCRUTINY FORTHCOMING MEETING THEME - CCTV</p> <p>The Head of Community Safety highlighted that the scrutiny conducted by the Public Protection and Safety PDS Committee would in future be focused on key themes of the Partnership. The theme of CCTV would be considered at the meeting of Public Protection and Safety PDS Committee on 26th October 2010. Themes to be considered at subsequent meetings included the impact of alcohol on community safety (14th December 2010) and offender management (1st February 2011). The Head of Community Safety would inform members of the Partnership if their service area contributed to a particular theme, and in such cases it was hoped that a representative of the service concerned could attend the relevant meeting.</p> <p>It was AGREED to note the forthcoming meeting theme of CCTV for the meeting of Public Protection and Safety PDS Committee on 26th October 2010.</p>	Action
12	<p>INFORMATION ITEMS</p> <p>(a) The draft Integrated Offender Management Framework in Bromley – Information Pack and Toolkit 2010/13 had been circulated for information. The Head of Community Safety highlighted that proposals to reduce re-offending were currently being developed and noted that the engagement of mental health services across the borough had been very positive.</p> <p>(b) The Managing the Public Realm (Orpington) Meeting Minutes – Monday 23rd August 2010 had been circulated for information. The Borough Commander confirmed that there had been good progress in addressing the issues identified since the initial incident in November 2009, and that partners continued to work closely. There had been some difficulties in engaging with Transport for London, but James Cleverly confirmed that the Transport for London Safer Transport Team was now engaged.</p> <p>(c) The Bromley Safeguarding Adults Board Annual Report 2009/10 had been circulated for information. The contribution made by the Safer Bromley Partnership to this Board was noted.</p>	Action

	<p>(d) A letter from the HM Inspectorate of Probation notifying the Youth Offending Team of the four thematic inspections to be conducted in 2010/11 had been circulated for information. The Head of Community Safety highlighted the importance of partner attendance at YOT Operations Board meetings.</p> <p>(e) The Bromley Community Engagement Forum's Annual Report 2009/10 had been circulated for information and was noted.</p>	All Partners
13	ANY OTHER BUSINESS	Action
	<p>(a) The Chairman presented the case for developing a mentoring programme for children and young people across the borough identified as being able to benefit from positive engagement. The Youth Offending Team currently offered a similar scheme to young offenders which had contributed to a reduction in re-offending. Whilst the programme would be delivered by volunteers, there would be some training and support costs. The Partnership welcomed the proposal, and the Head of Community Safety suggested that Community Links Bromley act as a hub to attract volunteers suitable to be mentors, which might include members of faith groups and the fire service. He also suggested a meeting be held between key partners to consider how the programme might be delivered. Karen Fletcher-Wright highlighted similar schemes being delivered by local schools. Progress made around developing the programme would be reported to the Partnership in December 2010.</p> <p>(b) The Head of Community Safety informed partners that the Safer Bromley Partnership Awards 2010 would be held on 2nd December 2010. The deadline for nominations was 29th October 2010.</p>	<p>CG/CN/ AH/ES/ ER</p> <p>All Partners</p>
14	DATE AND TIME OF NEXT MEETING	Action
	<p>All Meetings start at 10.00am unless otherwise notified.</p> <p>16th December 2010 24th March 2011</p>	

The Meeting ended at 12.00 noon

Chairman

	LAA	SBP Dash	AWOT	Performance Indicators 2010/11	10/11 Target	Q1 Actual	Q2 Actual	Status	Source
Increase community re-assurance and public safety, and promote the fact that Bromley is a safe place to live, work, learn and enjoy recreation									
1	L503			Increase the proportion of residents who, when surveyed, state that they feel Bromley is a safe place to live	85%	N/A	N/A	N/A	Public Attitude Survey
2	NI 47			Reduce the number of people killed or seriously injured in road traffic accidents	121	TBC	TBC		Road Safety
3	NI 48			Reduce the number of children killed or seriously injured in road traffic accidents	13	TBC	TBC		Road Safety
4				Percentage of Safer Neighbourhood Wards with established Safer Neighbourhood Panels.	100%	100%	100%		Met Police
5				Ensure that 100% of Neighbourhood Panels include representation of local residents	100%	100%	100%		Met Police
6	NI 35			Building resilience to violent extremism PSA 26					
7	NI 18			Adult re-offending rates for those under probation supervision PSA 23		8.17%	Jul '09-Jun '10		Probation
8	NI 30			Reduce Offending by Prolific & Priority Offenders					
Reduce the levels of crimes against the person									
9	NI 15			Reduce Levels of Most Serious Violent Crime	273	51	61		Met Police
10	NI 20			Reduce Levels of Assault With Injury	1780	487	447		Met Police
11			N120	Number of assaults with less serious injury' offences per 1,000 population	5.94	1.61	1.48		Met Police
12			L1301	Increase the conviction rate for domestic violence perpetrators by 12% over three years.	40%	61%	TBC		DV Advocacy
13			L1303	The incidents of domestic violence leading to sanction	47%	45%	62%		Met Police
14			L1302	The incidents of domestic violence reported	3400	979	TBC		Met Police
15				Arrest Rate for Domestic Violence	77%	78%	TBC		Met Police
16				Number of clients accessing the Bromley One-Stop Shop for DV	600	190	TBC		DV Forum*
Performance Indicators 2010/11									
	LAA	SBP Dash	AWOT		10/11 Target	Q1 Actual		Status	Source
17				Numbers of victims using Sanctuary Scheme	55	21	TBC		DV Forum*
18	NI 34			Domestic violence – murder PSA 23					Met Police
19				Numbers of reports of repeat victimisation (DV) as a proportion of total number of incidents reported					Met Police

20				Increase knowledge, awareness and capability of non-specialist staff by providing multi-agency training days	140					DV Forum
21	NI 29			Reduce Gun Crime Rate PSA 23	71	20	16			Met Police
22	NI 28			Reduce Serious Knife Crime Rate	269	66	67			Met Police
23	NI 26			Specialist Support to Victims of Serious Sexual Offences PSA 23						Met Police
24	NI 36			Protection Against Terrorist Attack PSA 26						
Reduce the levels of crimes against property										
25	NI 16			Reduce Levels of Most Serious Acquisitive Crime PSA 25	5574	1369	1214			Met Police
26			N16	Number of serious acquisitive crimes per 1,000 population	18.47	4.52	4.01			Comm Safety
27			Local	Instances of criminal damage	3248	769	697			Met Police
Reduce levels of youth crime and victimisation										
28	NI 45			90% of young offenders in suitable education, employment or training	90%	78%	79%			YOT
29				Reduce year on year by 2% the number of first time entrants to youth justice system	199	43	30			YOT
30	NI 43			Reduce the number of young people within the YJS receiving a conviction in Court who are sentenced to custody.	5%	3%	7%			YOT
Reduce levels of anti-social behaviour and nuisance										
31				% of ASBOs where there is a detected breach in conditions	20%	11%	12.5%			LBB ASB Unit
32				% of identified actionable breaches in conditions that result in court action	95%	100%	100%			LBB ASB Unit
33				% of applications for ASBOs made to court resulting in ASBO imposed	95%	100%	N/A			LBB ASB Unit

	LAA	SBP Dash	AWOT	Performance Indicators 2010/11	10/11 Target	Q1 Actual		Status	Source	
Reduce the problems caused by drug and alcohol use										
34	NI 40		Local	Increase the number of PDUs in effective treatment	414	378	TBC		DAT	
35				Increased % of drug users retained in treatment for 12 weeks	TBC	TBC	TBC		DAT	
36	NI 39			Decrease Alcohol-related harm hospital admission rates PSA 25					DAT	
37	NI 38			Decrease the drug-related (Class A) offending rate PSA 25					DAT	

Meeting:	Safer Bromley Partnership Strategic Group
Date:	16 December 2010
Subject:	London Borough of Bromley Licensing Policy
Author:	Colin Newman, Head of Community Safety colin.newman@bromley.gov.uk

1 SUMMARY

- 1.1 This report is intended to provide background information in support of the presentation that will be delivered at the meeting of the Safer Bromley Partnership. The report contains the most recently approved Licensing Policy for the London Borough of Bromley

2 RECOMMENDATION

- 2.1 The Strategic Group is asked to

- Note the Licensing Policy contained within this report, and
- Comment on the Policy and the presentation delivered by the Head of Food Safety, Occupational Safety and Licensing.

3 BACKGROUND INFORMATION

- 3.1 The Council is required by the Licensing Act 2003 (Section 5) to prepare and publish its policy with respect to the exercise of its licensing functions for a three year period.
- 3.2 The Council's previous policy was adopted by Council on 29 November 2007 and became effective on 7th January 2008. The policy was valid until 6th January 2011. A new policy must be adopted and published before that date. At the meeting of Council on 25 October 2010, the revised Licensing Policy was formally adopted.
- 3.3 This report contains the current statement of Licensing Policy and members of the Strategic Group will receive a presentation on the new policy from the Council's Head of Food Safety, Occupational Safety and Licensing.



London Borough of Bromley

Statement of Licensing Policy
2011 - 2014

Approved by the General Purposes and Licensing Committee on
20 October 2010
and Council on 25 October 2010

Effective from 7 January 2011

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Introduction

3

Bromley Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Borough for the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment. The Licensing Authority has delegated its licensing functions to the General Purposes and Licensing Committee. Members of this Committee will be responsible for the detailed administration of the Council's licensing function assisted by officers. The decision-making arrangements between the Licensing Authority (The Council), the Licensing Committee and officers is set out in this policy statement.

Background

This is the Licensing Authority's third statement of licensing policy. It will apply for a maximum period of three (3) years up to January 2014 and will be kept under review throughout this period and maybe revised in the light of experience or changing circumstances.

Bromley is responsible for over 900 licensed premises including:

- Pubs, bars and nightclubs
- Restaurants
- Members Clubs
- Off Licences
- Late night food venues
- Premises offering regulated entertainment and
- Over 2000 Personal Licences

The Licensing Authority has a wide range of responsibilities including helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses in the Borough are an important part of that local economy and this policy is critical to their continuing success and for attracting further investment and opportunity to the Borough. Balanced against this is the Council's legal duties and commitment with its partners to reducing crime and disorder and the fear of crime. It is also important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the Borough safely and free from nuisance.

Bromley values its younger people and is active in ensuring they are offered a wide range of opportunities and experiences to develop whilst seeking to protect them from harm. For these reasons the Licensing Authority takes its responsibilities under the Licensing Act very seriously and will use all the available powers to promote the four licensing objectives:

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

Through the Licensing Act 2003 the Government has provided opportunities for businesses to develop and flourish in socially responsible ways and has simplified and lightened the administrative burden of licensing. However, the Act contains strong powers for both the Police and the Licensing Authority. These will be used to their fullest extent where businesses blatantly infringe the law or undermine one or more of the licensing objectives. To help Councillors make consistent decisions and to ensure that all relevant information is taken into account, a decision-making aide memoir has been developed. The aide memoir will be applied to all applications for premises licences and club registration certificates referred to a Licensing Sub Committee for a hearing. The aide memoir will be

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refined and developed with use. (An example of the points contained within the aide memoir is contained in Appendix A).

**Flow chart of the
Licensing Process for
Premises and Clubs**

**To be inserted here
(unchanged from
previous policy)**

The Policy Statement

Scope of the Licensing Policy

The Licensing Act 2003 sets out the legal framework for the Licensing Authority to licence the following activities:

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club
- Regulated entertainment
- Late night refreshment.

These activities are controlled through a system of:

- Premises licences
- Club premises certificates
- Personal licences
- Temporary event notices.

See appendix B for definitions of these activities.

The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. The Act also requires the Licensing Authority to prepare and publish a statement of its licensing policy every three years. This statement of licensing policy fulfils this requirement and has been prepared in accordance with the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 (October 2010).

Consultation

In determining its policy the Licensing Authority has consulted with the following people and organisations:

- Chief Officer of Police for Bromley
- London Fire Brigade
- Chief Planning Officer
- Bromley Safeguarding Children Board
- Health and Safety Executive and Bromley's Health and Safety Enforcement Team
- Public Health Team (Environmental Health and Trading Standards)
- Trading Standards Service (Environmental Health and Trading Standards)
- Pub Watch Groups, and the LVA / Guild of Master Victuallers (being bodies representing holders of Premises Licences)
- Holders of premises licences
- Sports and Social Clubs (representing club premises certificate holders)
- Residents' Associations,
- Bromley Business Focus
- Chambers of Commerce (being bodies representing businesses)
- Ward Members
- Crime and Disorder Reduction Partnership
- Public Carriage Office for London
- Transport for London (TfL)
- The London Boroughs of Bexley, Greenwich, Lewisham, Southwark, Lambeth and Croydon
- Sevenoaks District Council and Tandridge District Council
- Bromley NHS Hospital Trust (A&E Dept)
- Bromley Arts Council
- Individuals who have requested a copy of the draft policy.

Proper weight will be given to the views of all the persons/bodies consulted before this policy statement takes effect.

The Policy Statement

Fundamental Principles

This policy statement sets out a general approach to making licensing decisions, and acknowledges the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, this policy statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 2003 Act. Any conditions or restrictions attached to a premises licence or club premises certificate will be focused on matters, which are within the control of individual licensees, and others granted relevant permissions. These matters will centre on the premises and places being used for licensable activities and the impact of those activities in the vicinity of those premises and places. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not a mechanism for the general control of nuisance or antisocial behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. Nonetheless, the controls exercised through the provisions of the Act are key aspects to the control of nuisance and antisocial behaviour and will form part of the Council's holistic approach to licensing. In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues arising out of the operation of licensed premises, including:

- The Council's Crime and Disorder Strategy
- Planning controls
- Ongoing measures to create a safe and clean environment in partnership with local businesses, transport operators and other Council Departments
- Designation of parts of the Borough as places where alcohol may not be consumed publicly
- Regular liaison with Borough Police on law enforcement issues regarding disorder and antisocial behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises.

The Council is currently addressing many of these issues through Bromley's Community Safety Strategy, in line with the strategic objectives for crime and disorder reduction within the Borough.

Cumulative Impact Policy and Areas

The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider in its Licensing Policy Statement.

Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Representations that an area is at, or is approaching, the point at which it will be subject to cumulative impact may be received from a 'responsible authority', an 'interested party' or from Councillors or officers. Such representations may be made either:

- As a result of ongoing liaison, monitoring and review
- Following representations arising from an application for the grant or variation of a licence, or
- As part of the Licensing Policy review at least every three years.

Where representations are made that an area is already subject to cumulative impact, or that the grant or variation of a further licence will result in cumulative impact, the Licensing Authority will take the following steps in each case:

- Satisfy themselves that there is concern about crime and disorder or public nuisance in the vicinity
- Consider whether it can be demonstrated that crime and disorder or public nuisance are arising and are caused by the customers of licensed premises
- Identify the area from which the problems are arising and the boundaries of the area, or that the risk factors are such that the area is reaching a point when cumulative impact is imminent
- Consult with those organisations or individuals set out in Section 5(3) of the Act, namely:
 - Police
 - Fire
 - Persons representing holders of premises licences
 - Persons representing holders of club premises certificates
 - Persons representing Personal Licence holders
 - Persons representing businesses.

and state its findings and where a decision is made to include a 'Special Policy on Cumulative Impact', publish the decision as a supplement to this Statement of Licensing Policy.

In any area declared to be subject to a Special Policy of Cumulative Impact it would be the Licensing Authority's intention to refuse to grant new premises/ club licences or variations, unless the application is such that the grant of the licence would have no further detrimental impact on the area and the promotion of the licensing objectives. When determining whether an area is or should be subject to a special policy of cumulative impact the Licensing Authority will have regard to the following matters: (The decision as to cumulative impact is not based solely on these matters and it is open to the Licensing Authority to consider any other matters that it feels are relevant)

- The nature of the area

- The number and types of licensed premises in the area
- The capacity of those premises
- The hours of operation of those premises
- The approved operating schedules of the premises
- The history of the premises
- The arrangements for the management of the premises
- The customer profile of the premises
- Recorded crime or disorder in the vicinity
- The views and experiences of those who live or work in the area
- The presence of other high-risk characteristics identified by the decision aide memoir. such as themed operations, price reductions.

The Licensing Authority will periodically review any areas subject to special policies of cumulative impact to see whether they have had the effect intended, and whether they are still needed.

The Licensing Authority will not use such policies solely as the grounds for removing a licence when representations are received about problems with existing licensed premises, or to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.

The Licensing Authority will publish separate details of any additional areas declared to be subject to a special policy of cumulative impact. The area covered by the special policy and the reasons for considering it to be subject to cumulative impact will be set out.

The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community when considering applications in saturated locations.

It therefore, also recognises that within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

In areas not subject to a special policy of cumulative impact but where representations of cumulative impact are made, the Licensing Authority will consider each application individually.

The following special policies on cumulative impact have been declared:

NO 1 Bromley Town Centre

NO 2 Beckenham Town Centre (see Appendix E)

The Licensing Authority is committed to the principle of special policies of cumulative impact and that the establishment of these two policies have made a significant contribution to the promotion of the 4 Licensing Objectives in Bromley Town Centre and Beckenham Town Centre.

The Licensing Authority reaffirms its commitment to make all decisions on applications for new licenses or variations in those areas strictly in accordance with those policies. The Licensing Authority wish to make it clear to all applicants that the presumption of refusal of all new licences and variations stands except where the applicant satisfies the Licensing Authority on the balance of probability that the application can be granted without having a detrimental affect on the promotion of the 4 Licensing Objectives

Licensing Hours

Sale of Alcohol for Consumption on the Premises

The Licensing Authority recognises that longer licensing hours for the sale of alcohol may avoid large numbers of people leaving premises at the same time, which in turn could reduce disorder and disturbance. It also recognises that there is the opportunity for significant detrimental impact on local residents where licensed premises operate late. The Licensing Authority notes the guidance of the Secretary of State which states that: 'There is no general presumption in favour of lengthening licensing hours and the Four Licensing Objectives should be paramount at all times.' The Licensing Authority will use its powers to control the hours of operation of any licensed premises where it has received a representation against an application and there are reasonable grounds to believe that if the licence was granted without that restriction, nuisance, antisocial behaviour or crime and disorder might arise. Such situations are most likely to arise where licensed premises are located close to residential areas. Where objections are received, the application will be referred to a Licensing Sub Committee in accordance with the scheme of delegation included in this Policy. When hearing an application the Sub Committee will seek assurances from the applicant that the Four Licensing Objectives will not be undermined by the grant of the application. Where the Sub Committee upholds objections it may apply licensing conditions including limiting the hours of operation. The Sub Committee will pay particular attention to applications where the operating schedule indicates the sale of alcohol after 11pm Monday to Saturday and after 10.30pm Sunday. Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.

Licensing Hours

Sale of Alcohol for Consumption off the Premises—Shops, Stores and Supermarkets –

Where no objections are made to an application the Licensing Authority will licence shops, stores and supermarkets to sell alcohol for consumption off the premises at the times stated in the application. Where objections are made against the grant of a new licence, the Licensing Authority will consider restricting those hours where there are good reasons for doing so and this would promote the licensing objectives. For example, where shops, stores or supermarkets are known to be the focus of disorder and disturbance or where underage sales have occurred. On an application to 'review' an existing licence where there is evidence that shops, stores and supermarkets are a focus or disturbance because youths congregate there and cause nuisance and engage in antisocial behaviour, the Licensing Authority will consider restricting opening hours as a mechanism of combating such problems and promoting the licensing objectives.

Regulated Entertainment and Late Night Refreshment

Not all regulated entertainment will be associated with the sale of alcohol. There will be times when alcohol is not provided for many reasons or in other circumstances it would be unnecessary or illegal to have alcohol available, for example, events for children. In other circumstances regulated entertainment could finish earlier or later than the sale of alcohol. The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11pm and 5am. This will include the traditional takeaway food premises but will also cover restaurants and mobile vehicles. In each case the hours being sought for regulated entertainment or late night refreshment should be set out in the application and operating schedule. Where objections are received the Licensing Sub Committee will consider the merits of each application in determining the hours of operation taking into account the licensing objectives.

Protection of Children from Harm Access to Licensed Premises

The wide range of premises that require licensing under the Act means that children can be expected to visit many of these, often on their own, for food and/or entertainment. Where no relevant representations are received and an applicant volunteer's prohibitions or restrictions in relation to the admission of children, those will become conditions attached to the licence.

Apart from the specific restrictions set out in the Licensing Act 2003 there is no presumption of permitting or refusing access to licensed premises. Each application and its circumstances will be considered on its own merits.

The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will consult the Bromley Safeguarding Children Board on any application that indicates there may be concerns over access for children. The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children.

The following are examples of premises that will raise concern:

- Where entertainment or services of an adult or sexual nature are commonly provided
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- A known association with drug taking or drug 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.

Examples of entertainment or services of an adult or sexual nature include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language.

The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.

The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Bromley Trading Standards have an agreed protocol with the Police for enforcing age related sales of alcohol. This will continue to be applied.

The Service will also undertake monitoring and test purchasing for compliance with other age related sales and services applicable to the Licensing Act 2003. Consideration will also be given to initiatives which could assist in the control of alcohol sale to children e.g. Home Office campaigns. The Licensing Authority is also fully supportive

of and actively encourages recognised proof of age schemes and 'Challenge 25' policies in all licensed premises as a means of controlling under age sales.

Protection of Children from Harm

Children and Cinemas

Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, strong language, scenes of horror, violence or a sexual nature that may be considered unsuitable for children within certain age groups. Where an application for a Premises Licence or Club Premises Certificate includes the showing of films, the Licensing Authority will expect the operating schedule to include arrangements for restricting children from viewing age restricted films classified by the British Board of Film Classification or by the Licensing Authority itself. All Premises Licences and Club Premises Certificates granted for the exhibition of films will contain a condition restricting the admission of children either in accordance with the age classification by a film classification body under Section 4 of the Video Recordings Act 1984 or the Licensing Authority's recommendation. It will be the Licensing Authority's policy to specify that the British Board of Film Classification will be stated on the licence as the film classification body where a film has such a classification, however, where there is no such classification or, under such other circumstances as the Licensing Authority sees fit, its own classification may be imposed.

Children and Entertainment

Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises. Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children. Where representations are made and upheld the Licensing Authority will make full use of Licensing Conditions to secure the protection of children from harm. Conditions will be imposed where necessary, based on the individual application being considered and the Licensing Authority will have regard to the Model Pool of Conditions contained in the guidance issued by the Secretary of State under Section 182 of the Act

Underage Sales

The Licensing Authority is committed to protecting children from harm and supports / encourages the programme of underage test purchases arranged by the Trading Standards Service and Police.

Where underage sales are found the Licensing Authority supports the use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

Crime and Disorder

Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police and the Borough's Officers (contact details for both are contained within the Responsible Authorities contact sheet in appendix C), as well as taking into account, as appropriate, local planning and transport policies, and tourism, cultural and crime prevention strategies, when preparing their operating plans and schedules. When addressing crime and disorder, the applicant should initially identify any particular issues that are likely to affect adversely the promotion of the crime and disorder objective. They should then include in the operating schedule how they will deal with those matters. In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006, the use of Designated Public Places Orders and Alcohol Exclusion Zones. Where objections are received and upheld by the Licensing Sub Committee, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises, and these may include conditions drawn from the Model Pool of Conditions relating to Crime and Disorder contained in the guidance issued by the Secretary of State under Section 182 of the Act.

Crime Prevention

When making decisions about an application the Licensing Sub Committee will have regard to the Borough's Crime Prevention Strategy and any conditions attached to licences or certificates will so far as possible reflect local crime prevention strategies.

Dispersal

The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering any application for the grant or variation of a licence serious consideration will be given to the dispersal arrangements from the premises and the effect that granting the licence might have on the dispersal arrangements of other licensed premises in the area. The Licensing Authority will pay particular attention to an application which may delay orderly dispersal or is likely to encourage people to remain in the vicinity.

Drugs

The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises however it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the Crime and Disorder licensing objective.

The Licensing Authority expects all licence holders to actively support this aim in the way that they plan, manage and operate their premises. Applicants and licence holders attention is drawn to the Home Office and London Drugs Policy Forum guidance 'Safer Clubbing' (Available on the Bromley Website www.bromley.gov.uk).

If relevant representations are received to following an application for the grant or variation of a licence, special conditions may be imposed to support the prevention of the sale, supply and consumption of drugs. Advice on conditions will be sought from the Drug Action Team and / or the Police.

In premises where drugs misuse is problematic and where the Police or others apply for a 'Review' of the licence, the Licensing Authority will consider this as being very serious and will give appropriate consideration to the full range of options available including the suspension and revocation of the licence. The Licensing Authority recognises that each case is individual and will be decided on the facts and its specific merits.

Public Safety

The 2003 Act covers a wide range of premises and activities, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these type of premises presents a mixture of risks to public safety, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks. The Licensing Authority will expect operating schedules to satisfactorily address these issues and applicants are advised to seek advice from the Borough's Licensing Officers and the London Fire Brigade (contact details can be found in appendix C) before preparing their plans and schedules. Where an applicant identifies an issue relating to public safety (including fire safety) that is not covered by existing legislation, the applicant should identify in their operating schedule the steps that they will take to ensure public safety. Where representations are received and upheld at a hearing, the Licensing Authority will consider attaching conditions to licences and permissions to promote safety, and these may include Conditions drawn from the Model Pool of conditions relating to 'Public Safety' and 'Cinemas and Fire Safety' contained in the guidance issued by the Secretary of State under Section 182 of the Act.

Prevention of Nuisance

Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers (contact details can be found in appendix C) before preparing their plans and operating schedules. Where representations are received and upheld at a hearing the Licensing Authority will consider attaching conditions to licences and permissions to prevent public nuisance, and these may include conditions drawn from the Model Pool of Conditions relating to 'Public Nuisance' contained in the guidance issued by the Secretary of State under Section 182 of the Act

Smoking and the Use of External Areas

Where an application includes provision of a smoking shelter then the Licensing Authority expects the shelter to be situated as far as possible from neighbouring residential premises. In relation to smoking outside licensed premises, it is expected:

- Suitable receptacles for customers will be provided and maintained to dispose of cigarette litter in areas used, or likely to be used, for smoking
- Licensees will take all reasonable steps to discourage smoking on the public highway close to residential premises, particularly after 10pm. This could include measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors, or imposing a time after which readmissions to the premises will not be permitted

- Garden areas to be cleared at a reasonable time where not doing so could cause nuisance to neighbouring residents.

Entertainment Involving Striptease or Nudity

The Licensing Authority will give particular consideration to the promotion of the four licensing objectives in cases where the application includes entertainment involving full or partial nudity or striptease or any other kind of sex-related entertainment. The Licensing Authority's policy is that premises providing such entertainment may constitute a public nuisance if they are in or near residential areas. This is particularly the case if the premises are close to schools, community or youth facilities. Such premises may potentially generate particular crime and disorder, public nuisance and safety concerns within the community from lewd acts and disorder. It is the view of the Licensing Authority that where a valid representation is received, an application involving such entertainment will only be granted if it is satisfied, having regard to all the circumstances including the nature and extent of the activities, the location of the premises, and the conditions proposed by the applicant or which might properly be imposed by the authority, that the proposals are compatible with the promotion of the four licensing objectives. In particular, while each application will be considered on its own merits, such applications will not normally be granted where the premises are located:

- Near residential accommodation
- Near places of worship, community facilities or public buildings
- Near schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families
- Within sight of pedestrian routes or bus or railway stations serving the above.

It is expected that applicants will indicate in their operating schedules what measures they propose to have in place to ensure the good management of the premises. Conditions should be provided in the operating schedule prohibiting the participation of customers in the performance. The Licensing Authority expects the following conditions to apply:

- The maintenance of a minimum distance of one metre between performer and customers during the performance
- The provision of CCTV and the maintenance of a library of recordings
- A code of conduct for dancers shall be in place including appropriate disciplinary procedures for failure to comply with the code
- Rules of conduct for customers shall be in place, including appropriate procedures for breach of these rules
- The provision of Security Industry Authority registered supervisors and security staff.
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
- There will be no advertisements for striptease displayed on the outside of the premises,
- When striptease is being provided on the premises notices will be displayed on the premises stating 'Only people over 18 will be allowed on the premises'
- The striptease entertainment will not be able to be viewed from the street.

Applicants must also note that as part of the process of ensuring that applications that include entertainment entailing nudity or striptease receive proper consideration, the application form and all public notices in respect of such applications must clearly state the details of the proposed entertainment. The nature of the proposed entertainment will be clearly stated in the consultation letter sent by the Licensing Authority to local residents and businesses.

Personal Licences

To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.

Holders of a 'Personal Licence' must hold a recognised licensing qualification, (currently there are five (5) accredited personal licence qualification providers, details of these are contained in appendix D), be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with endorsed photographs of the holder are needed as part of an application for a Personal Licence.

In some premises there may be more than one person holding a 'Personal Licence' and it is important that one person is named as being in control, this person is called the 'Designated Premises Supervisor'. The name of the 'Designated Premises Supervisor' will be stated on every Premises Licence granted by the Licensing Authority.

There is one exemption from the need for a personal licence holder and "Designated Premise Supervisor" in line with the mandatory requirements of the Licensing Act 2003 section 19(2) and 19(3). That is in the case where a community premises (church and village halls etc.) has applied for and been granted an application to disapply these mandatory conditions.

Note:-

Further information on this can be found in the Department of Media Culture and Sports guidance issued under section 182 of the Licensing Act 2003 published October 2010.

In determining applications for personal licences the Licensing Authority will have regard to the guidelines issued by the Secretary of State under section 182 of the Licensing Act 2003 and any secondary legislation. The promotion of the four licensing objectives applies to the consideration of applications for personal licences equally as it does to applications for premises licences.

Criminal Records

The Licensing Authority will require applicants for personal licences to produce a certificate detailing any current criminal convictions (this must be of an approved type and must have been issued less than one calendar month prior to the application, details of the approved type of certificate can be found in appendix D). Applicants for Personal Licences are requested to send a copy of their application form and certificate of current criminal record to the Metropolitan Police (For address see appendix C). All applicants will also be required to make a clear statement as to whether or not they have been convicted outside England and Wales of any relevant offences or foreign equivalents. When considering applications for personal licences the Licensing Authority will have due regard to any previous unspent convictions for relevant offences. Where unspent convictions for relevant offences exist the Licensing Authority will liaise closely with the Police. Where Police object to the grant of a personal licence on the grounds of previous criminal records, the applicant will be given the opportunity to have his or her application heard by the Licensing Sub Committee as soon as possible. The Licensing Authority notes the recommendation of the Secretary of State in the guidelines issued under Section 182 of the Licensing Act 2003 that refusal of an application for a personal licence where relevant previous convictions exist should be the norm unless there are in the opinion of the Licensing Committee exceptional and compelling circumstances that justify granting the application. Under the Human Rights Act 1998 each applicant has the right to a fair hearing and the Licensing Authority will judge each application individually

Premises Licences and Club Premises Certificates

Premises Licence

A premises licence is needed for the

- Sale of alcohol
- Provision of regulated entertainment or
- Sale of hot food and drink to the public between 11pm and 5am.

Club Premises Certificates

Some activities carried out by clubs need to be licensed under the Act but generally clubs are treated differently to proprietary clubs and commercial premises. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club'.

A qualifying club:

- Has members. Membership is not instant. There is a minimum of 2 days between applications for membership and admission. This includes the privileges of membership (i.e. use of facilities and the consumption of alcohol)
- Has at least 25 members
- The club is conducted in good faith and has full accountability to its members
- Where alcohol is purchased and supplied, that it is done so by an elected committee of the club.

This will entitle them to certain benefits:

- No need for Personal Licence Holders on the premises
- No need for Designated Premises Supervisors
- More limited rights of entry for the Police and Authorised Persons (Licensing Officers) as the premises is considered private and not generally open to the public
- No instant closure powers by the Police for disorder or noise
- To sell hot food and drink between 11pm and 5am to members and guests without the need for a licence.

In determining applications for Premises Licences and Club Premises Certificates the Licensing Authority will have regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and any secondary legislation. It is important that applications for Premises Licences and Club Premises Certificates properly address the four licensing objectives. The Licensing Authority has developed a decision-making aide memoir (see Appendix A) for use by the Licensing Committee when considering applications for premises licences that have been subject to objections by a 'Responsible Authority' or 'Interested Party'. The use of the aide memoir will assist Members of the Licensing Committee achieve a consistent approach to decisions and seeks to reassure others that Bromley's Licensing Committee decisions are fair and transparent. The Licensing Committee will give full verbal and written reasons for its decisions for each application it hears.

Variations (Minor and Major)

Both Premises Licences and Club Certificates may be varied under the Licensing Act 2003. Minor variations generally fall into four categories they are:-

- Minor changes to the structural layout which does not constitute any of the following:-
 - Increase the capacity for drinking (increasing floor area for drinking etc).
 - Affecting access or egress (blocking fire exits or escape routes).
 - Impeding or removing noise reduction measures at the premises (removing acoustic lobbies etc).

- Removal of a licensable activity or licence condition,
- Addition of a volunteered condition or conditions.
- Addition of a licensable activity where similar activities already exist.

The above is not an exhaustive list and licensing officers will bring their own experience and knowledge to bear when considering applications.

Note:-

Further explanations on the above can be found in the department of Culture Media and Sport Guidance issued under section 182 of the Licensing Act 2003 published October 2010.

A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. Decisions on a minor variation are delegated to licensing officers. In the case of a decision by a licensing officer being contested by a ward councillor which cannot be resolved the decision will be deferred to the licensing sub committee.

There is no requirement to consult all responsible authorities on an application, however, licensing officers may consult with any party if there is any doubt about the impact of the variation on the licensing objectives and there is a need to obtain specialist advice.

Two specific cases are identified as being excluded from the minor variation process they are :-

- To extend the licensing hours for the sale of alcohol for consumption on or off the premises between 0700 and 2300
- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.

The Licensing Authority takes the view that the removal of seating or tables from premises which has the effect of increasing the floor area for vertical drinking is not suitable for the 'Minor variation procedure'. Such application should be made under the major variation procedure. The Licensing authority will expect applicants to demonstrate how the removal of seating or tables will promote the Licensing Objectives

In all cases the overall test is whether the proposed variation could impact adversely on the licensing objectives in any way it does or it does not fall within the scope of the four areas identified then a full major variation will be required.

Fees & Charges

Licensing fees and charges are set by Government so they are the same across the Country. Details can be found on the Councils Website (www.bromley.gov.uk) and on the DCMS website (www.dcms.gov.uk).

Once granted a licence does not expire but the licence holder is required to pay an annual charge. Failure to pay this on demand will result in the Council seeking to recover outstanding amounts informally and formally as a Civil Debt.

Whilst the annual charge is being paid regularly the licence will remain in force even if the premises are not used for a licensable purpose.

However where the annual fee has not been paid after the standard reminder the Council will take the following action

Step	Action	Minimum Timescale after renewal date
1	A further reminder letter will be sent	1 month
2	Telephone calls to the licence holder / agent where contact numbers exist	2 months
3	Visit by an Officer	3 months
4	Where the premises are being used for a licensable purpose the debit to be recovered through formal debit recovery process	4 months
5	Where the premises are not being used for a licensable purpose further attempts to contact the licence holder will be undertaken by writing / email and phone and undertaking land registry searches/ Appropriate enquiries will be made to establish the current status of the Licence holder (e.g. Insolvent or dead)	4 to 6 months

Where no contact is made with the licence holder at 6 months the Council will deem the licence to be lapsed. The Council will accept evidence at a later date that the licence had not lapsed and require payment of outstanding fees

Temporary Events Notices

Anyone may give the Licensing Authority a Temporary Event Notice. This procedure allows people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate. Temporary Event Notices may be obtained for:

- The sale of alcohol
- The provision of regulated entertainment
- The sale of hot food or drink between 11pm and 5am.

A Temporary Event Notice must be submitted a minimum of 10 working days before the proposed event and only the Police can object on crime and disorder grounds. There are certain limitations to Temporary Event Notices:

- Maximum number of people attending must not exceed 499 at any time
- The event cannot last longer than 96 hours
- No premises can host more than 12 events in a year
- The maximum number of days covered by Temporary Event Notices cannot exceed 15 days in a year
- A personal licence holder can apply for up to 50 temporary events
- Any other person can apply for 5 temporary events.

Consultation

The consultation process associated with applications for Premises Licences and Club Premises Certificates allows for representations to be made by various bodies and individuals. Responsibility for undertaking statutory consultation lies with the applicant. It is Bromley's policy to undertake additional (non statutory) consultation with ward councillors, residents, residents' associations and businesses in the vicinity of the premises. This will be by letter addressed to ward members, residents' associations, and local residents/businesses in the vicinity of the application site. Where an application site is close to a ward boundary, ward members and residents associations in the neighbouring ward will also be consulted. For local residents and businesses, the size of the area subject to consultation will be determined by the Licensing Team and will take into account the nature of the application and its location. For variations to licences where no detrimental impact on the promotion of the four Licensing Objectives could reasonably be expected to occur, non statutory consultation will be limited to ward Councillors and residents' associations.

Making representations about an Application

Representations about an application must be made in writing to the Council's Licensing Team (contact details in Appendix C) within the time period given.

Written representations include letters (posted or faxed) and emails.

Petitions may be submitted (see note below) but are not as informative as individual correspondence and as such are given less weight when considered by a licensing Sub Committee.

Representations must contain the name, full address including post code, phone number and email of the person making them. Failure to supply full details could result in delayed notification of any changes to the nature of the application and the Licensing Authorities decision.

Note:

Petitions will only be accepted if on each sheet it clearly shows the application name and address, the licensable activities and their hours.

Additionally each petitioner must give their name, full address including post code, phone number and email. They must also state which of the licensing objectives they are making their representation on and their reasons.

Failure to comply with any of the above requirements could lead to the petition being rejected.

Irrelevant, Vexatious and Frivolous Representations

The Licensing Authority accepts the guidance of the Secretary of State concerning the judgments of representation as being irrelevant, vexatious and frivolous. A representation would be 'irrelevant' if it does not relate to the application or to the promotion of the licensing objectives in the context of the application. In considering whether or not a representation is 'vexatious or frivolous' the Licensing Authority must determine whether any ordinary and reasonable person would consider the matter to be vexatious or frivolous. Vexation may arise where, for example, there is a dispute between rival businesses. Frivolous representations would be categorised by a lack of seriousness. Such judgments should be objective and not based on political judgments and as such are best made by officers following enquiries as may be necessary. Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed and that representation will be disregarded.

Repeat Applications

The Licensing Authority will give particular attention to applications which have the effect of replicating to a large extent, the terms of a previous application(s) at the same premises / club which may have been refused or granted

subject to conditions. Where representations are made, the Licensing Committee will consider each application on its merits including:

- The applicants' justification or explanation as to the change of circumstances warranting a different decision by the Committee
- The extent to which the terms of the new application overcome previous concerns
- The extent to which the new application (including the operating schedule and any suggested conditions) will promote the Licensing Objectives.

This policy does not apply to applications for:

- Changes to Designated Premises Supervisors
- Changes to the address of someone named on a licence
- Temporary Event Notices and is not designed to inhibit applications to make variations from 'time to time'.

Integrating Strategies and Avoiding Duplication

Many people and organisations are involved with, or affected by, the ways in which licensed premises are operated. Most are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Amongst the various stakeholders there will be a wide range of strategies that relate to, or are influenced by, the exercise of the Council's licensing function.

The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes. Some regulations, however, do not cover the unique circumstances of some entertainment. The Licensing Authority will consider attaching conditions to Premises Licences and Club Premises Certificates where these are necessary for the promotion of the licensing objectives are not already provided for in any other legislation, are not contained within the applicant's operating schedule and if there are relevant representations.

Planning and Building Control

There should be a clear separation of the planning and building control functions and the licensing regimes. Licensing applications should not be a re-run of the planning application process. The Licensing Authority will not grant an application for a new Premises Licence or Club Premises Certificate unless it is satisfied that all relevant planning permissions are in place where necessary. This condition will not apply to an application for a provisional statement under section 29 of the Licensing Act 2003. The Licensing Authority will ensure that periodic reports are sent from the Licensing Committee to the Development Control Committee advising them of the situation regarding licensed premises in Bromley, including the general impact of alcohol related crime and disorder to assist them in their decision-making. When considering representations to the granting of a new Premises Licence or Club Premises Certificate or a variation of an existing licence or certificate, which is not subject to any planning conditions, the Licensing Sub Committee may request information as to any planning conditions attached to similar premises in the locality. The Sub Committee may consider the reason for the implication of such conditions and consider those in relation to the application being determined.

Cultural Strategies

The Licensing Authority wishes to encourage the provision of a culturally diverse range of regulated entertainment within the Borough, particularly live music and dance, and will monitor the impact of licensing on this. Where there is

evidence that licensing's deterring this, the Licensing Committee will review this policy with a view to improving the situation.

Racial Equality

The Licensing Authority recognises its responsibilities under the Race Relations Act 1976 (as amended) to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between different racial groups and will seek to satisfy this in effecting this Policy Statement.

People with Disabilities

The Licensing Authority seeks to encourage people with disabilities to partake in the provision and use of licensed premises and activities. Premises Licence holders and Clubs are reminded of the duties imposed by the Disability Discrimination Act 1995, which requires that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service. It is the policy of Government that facilities for people and performers with disabilities should be provided at places of entertainment and they encourage premises Licence Holders and Club Premises Certificate holders to provide facilities enabling their admission. In support of these aims the Licensing Authority will not attach conditions to a licence or certificate that conflict with or duplicates these requirements. Access to buildings and their facilities is also a matter addressed in Building Regulations and planned alterations affecting access may involve the need to apply for building regulation approval.

Licence Conditions

General Conditions

Where responsible authorities or interested parties do not raise any representations about an application, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Act. The Licensing Authority may not impose conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then impose conditions necessary to promote the licensing objectives arising out of the consideration of the representations. To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when preparing their operating schedules

Standard Conditions

The Licensing Authority recognises that it is important to balance any conditions attached to a licence or certificate so as not to be disproportionate or overly burdensome but to achieve the licensing objectives. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises and event concerned. Where appropriate, and necessary for the promotion of the licensing objectives, the Licensing Sub Committee will consider attaching conditions including those drawn from the relevant Model Pools of Conditions set out in the guidance issued by the Secretary of State under Section 182 Licensing Act 2003.

Mandatory Conditions

The Act requires that certain conditions are applied to premises licenses and club premise certificates where they include:

- The retail sale of alcohol
- The provision of Door Supervisors
- The showing of films.

Additionally in all cases relating to:

- Irresponsible drinks promotions
- No alcohol is dispensed directly by one person into the mouth of another.
- Free tap water is available on request to all customers.
- An age verification policy is in place.
- Minimum measures of alcohol identified and made available to customers.

The Licensing Authority will apply such conditions as set out in Sections 19, 20 and 21 of the Act.

Mandatory Conditions - Sale of Alcohol

Where a premises licence authorises the sale of alcohol the following conditions will be included

- No supply of alcohol may be made under the premises licence at a time when there is no Designated Premises Supervisor or where the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended
- Every sale of alcohol must be made or authorised by a person who holds a Personal Licence. The Licensing Authority supports the principles set out in the Secretary of State's guidance (October 2010) and strongly recommends that Personal Licence Holders give specific written authorisations to individuals that they are authorising to retail alcohol. The

Licensing Authority considers that the following factors should be relevant in considering whether or not an authorisation has been given: The person(s) authorised to sell alcohol at any particular premises should be clearly identified

- The authorisation should have specified the acts which may be carried out by the person being authorised
- There should be an overt act of authorisation, for example, a specific written statement given to the person being authorised
- There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

Licence Conditions

Mandatory Conditions – Door Supervisors

Where a premises licence contains a condition that at any time one or more persons must be at the premises to carry out a security activity, such persons must be licensed by the Security Industry Authority (SIA) or be entitled to carry out that activity by virtue of section 4 of the Act. Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the SIA. If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager. The Licensing Authority may look more favourably on licence applications that demonstrate that licensees have considered:

- Recruiting SIA licensed door supervision staff from a reputable company with SIA Approved Contractor Status
- What measures will be taken and what procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence.

Mandatory Conditions - Exhibitions of Films

Where a premises licence authorises film exhibitions the admission of children must be restricted in accordance with the certificate of the classification body. Elsewhere in the policy the Licensing Authority has specified that the British Board of Film Classification shall be the 'Film Classification body'. In its role of implementing local cultural strategies, the Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly children. When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives. Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

Mandatory Conditions – General

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) The outcome of a race, competition or other event or process, or
 - (ii) The likelihood of anything occurring or not occurring;
- (e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that–

(1) Where any of the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

following alcoholic drinks is sold or supplied for consumption on the

- (i) Beer or cider: ½ pint;
 - (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) Still wine in a glass: 125 ml; and
- (b) Customers are made aware of the availability of these measures.

Enforcement

Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. We will support businesses to comply with the law but view offences and breaches of licence conditions seriously.

The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this. The Licensing Authority will work closely with the Police to establish protocols to ensure an efficient deployment of Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that

High-risk premises receive the highest priority.

The enforcement action will be:

- Targeted toward those premises presenting the highest risk
- Proportional, to the nature and seriousness of the risk those premises present
- Consistent, so that we take similar approaches in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that we take responsibility for our actions.

The Licensing Authority has instructed its officers to adopt a zero tolerance approach to offences and breaches of licence conditions. In practice this means that licensing officers will investigate all complaints alleging breaches of the Act or licence conditions and act on all sources of reliable intelligence (including local residents and businesses) with a view to establishing if offences have been committed.

Such matters may include:

- Unauthorised licensable activities or breach of licence conditions
- Allowing disorderly conduct on licensed premises
- Sale of alcohol to children and the consumption of alcohol by children
- Sale of alcohol to a person who is drunk

Where licensing officers have such evidence they have a range of enforcement options including:

- Offering advice /guidance (verbal or written)
- Informal written warnings
- Formal cautions
- Prosecutions
- Review of Premises Licences where there are problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm
- Closure of premises that are experiencing disorder or causing a nuisance.

The Licensing Authority encourages a graduated approach to enforcement as set out in the Environmental Health & Trading Standards generic enforcement policy however in the cases of offences relating to :-

1. The deliberate and persistent provision of unlicensed activities especially the sale of alcohol
2. The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives(crime and disorder, public safety, public nuisance or protection of children from harm)
3. Persistent underage sales
4. The use of licensed premises in connection with organised criminal activity
5. Allowing disorderly conduct on licensed premises
6. Delivering alcohol to children
7. Allowing the sale of alcohol to children
8. Sending a child to obtain alcohol

It is the expectation that Formal Action (including Fixed Penalty Notices, Formal Cautions, Reviews and / or Prosecution) will be the preferred approach.

Where Members of the Licensing sub-committee are required to hear an application to 'Review' a licence they will be guided by the decision of the High Court in *Bassetlaw District Council v Worksop Magistrates Court* 2008 EWHC 3530 (Admin), that deterrence is an appropriate consideration when dealing with Reviews where that has been activity in connection with criminal activity.

Appeals against Licensing Sub Committee decisions

Following the hearing of an application by a Licensing Sub Committee the applicant or any objector has the right to appeal against the decision to Bromley Magistrates Court within 21 days.

Where the appeal is brought by an applicant it will be the Licensing Authority's usual policy to defend the Sub Committee's decision. This is because the applicant is asking the Court to grant more than the Council deemed appropriate for the promotion of the licensing objectives.

Where an appeal is lodged by an objector following a Sub Committee hearing, the Licensing Authority will always be a "respondent" along with the licence holder. In such cases the Licensing Authority may choose not to be legally represented at the hearing of the appeal at the Magistrates Court. The licence holder as co-respondent may appoint legal representation. A licensing officer will attend court to assist the licence holder and court.

The reason for this is that if an objector's appeal were to be upheld by the Court it would not prejudice the Licensing Authority's decision as to what was appropriate for the promotion of the licensing objectives. It also retains the licence holders right to defend the Licensing Authority's original decision.

The Court makes a charge to lodge an appeal (currently £400) but the appellant may be liable to pay the legal costs of the respondent if the appeal is unsuccessful. (Further details can be obtained from Bromley Magistrates Court See appendix F for contact details).

Where an appeal to the Magistrates Court is not brought by an objector following a Licensing Sub Committee decision and problems relating to the promotion of the Licensing Objectives do subsequently arise residents can seek a formal Review of the licence. Anyone wish to consider this is advised to contact the Licensing Team for further advice. (See Appendix C for contact details).

Administration, Exercise and Delegation of Functions

The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a General Purposes and Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub Committees to deal with them. Many of the decisions and functions are purely administrative in nature and the grant of non contentious applications (including for example, those licences and certificates where no representations have been made) has been delegated to Licensing Authority Officers. The table overleaf sets out the agreed delegation of decisions and functions to the General Purposes and Licensing Committee, Sub Committees and officers. This form of delegation is without prejudice to officers referring an application to a Sub Committee, or to Full Committee, if considered appropriate in the circumstances of any particular case. The Licensing Authority's General Purposes and Licensing Committee have approved its own rules relating to the conduct of hearings by the Licensing Subcommittees under Licensing Act 2003 sec 9(3). A copy is available on request.

The Role of Ward Councillors

Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations as an interested party in their own right if they live, or are involved in a business, in the vicinity of the premises in question.

Ward councillors can also, as elected members of the licensing authority, make representation in their own right if they have concerns about the premises, regardless of whether they live or run a business in the vicinity of those premises.

For example, ward councillors may apply for a review of a licence if problems at a specific premise which justify intervention are brought to their attention.

Ward Councillors are informed of all new applications and any application to vary a licence in their ward. Individual Councillors may publicise an application locally in addition to the statutory publication carried out by the applicant and the Council's agreed policy on non statutory consultation.

Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. Details on how to contact Ward Councillors may be obtained from the Council's Website or by telephoning 020 8464 3333.

If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.

Ward Councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if

- They have made a personal representation
- They have made a representation on behalf of local residents or businesses as 'community advocates'
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.

Delegation of Functions I

Insert table

Note no changes are being made to this table

Appendix A: Decision Aide memoir Points

Premises Type:

Retail Alcohol,

Club Alcohol,

Regulated Entertainment, Late Night Refreshment Type of Entertainment or Operation

- Seated (inside)
- Seated (outside)
- Themed
- Vertical Drinking
- Off Sales
- Dedicated Children's Area
- Garden / Patio • Waiter / Waitress Service
- Age profile 18-24 - 25-35 - 35+
- Amplified Music • Live Music
- Juke Box / Piped Music
- Alcohol Promotions
- Adult Style Entertainment
- Gambling Machines / Electronic Games
- Pool Tables
- Big Screen
- Karaoke
- Other
- Proposed Occupancy
- Operating Hours/Days
- Existing and Proposed Controls
- CCTV
- Noise Limiter Fitted (Set and Sealed)
- Distance to Nearest Residential Premises
- Double Glazed

saferbromley partnership

- Air Conditioned
- Ventilation
- Lobbied Access / Egress
- Door Supervisors
- Proposed conditions for consideration.

Appendix B Definitions

In this Policy certain words or terms are used which have a specific meaning in the Licensing Act 2003. The following definitions are provided to help you understand them.

For full details see section 190 to 194 and Schedule 1 and 2 of the Licensing Act 2003 which is available free at www.opsi.gov.uk

Licensable Activities

- The sale by retail of alcohol
- The supply of alcohol by clubs
- The provision of regulated entertainment
- The provision of late night refreshment.

Regulated Entertainment Includes

- Plays
- Films
- Indoor sport
- Boxing or wrestling
- Live music
- Recorded music
- Dance performance.

Exemptions From Regulated Entertainment

Licences are not required for:

- Films used to advertise goods, services or products, or provide information
- Films used as part of an exhibit at a museum or art gallery
- Incidental music to other activities
- Use of television or radio
- Entertainment which is part of a religious service or at a place of worship
- Garden fetes
- Morris dancing
- Moving vehicles.

Play (Paragraph 13 Schedule 1)

A performance of any dramatic piece whether involving improvisation or not which is given wholly or in part by persons actually present and performing and in which the whole or a major proportion of what is done by the persons present, whether by way of speech singing or action, involves playing a role.

Film Exhibition (Paragraph 15 Schedule 1) any exhibition of moving pictures.

Indoor Sporting Event (Paragraph 16 Schedule 1)

A sporting event which takes place wholly inside a building at which the spectators present at the event are accommodated wholly inside the building.

Boxing or Wrestling

Any contest exhibition or display of boxing or wrestling.

Music

Includes vocal or instrumental, music or any combination of the two.

Late Night Refreshment

The supply between 11pm and 5am of hot food or hot drink to members of the public on or from the premises for consumption on or off the premises.

Authorised Person

Licensing Officer from the Local Authority. Inspector appointed by the Fire Authority (Section 18 Fire Precautions Act 1971). Health and Safety Inspector (appointed under section 19 Health and Safety at work etc Act 1974 - may be from the HSE or Local Authority). An Officer of the Local Authority who is authorised to take action under statutory powers to minimise or prevent risk of pollution or harm to human health.

Appendix B

Interested Party

- A person living in the vicinity of the premises seeking a licence
- A body representing people living in that vicinity
- A person involved in a business in that vicinity
- A body representing persons involved in businesses in the vicinity.
- A ward councillor as elected members of the Licensing Authority.

Responsible Authority

- Police Authority
- Fire Authority
- Health and Safety enforcing authority
- Local Authority responsible for enforcing statutory functions in relation to minimising or preventing the risk of pollution or harm to human health
- A body which represents those who are responsible for or interested in the protection of children
- Chief Inspector of Weights and Measures.

Appendix C Responsible Authorities Contact List

Licensing Act 2003

Who do I have to send a copy of an application to?

When you make an application for a licence you have to send copies of your application to various people and organisations. This list gives you the names and addresses of those people.

At The Council

The Licensing Team

Environmental Health and Trading Standards

St. Blaise, Civic Centre, Stockwell Close, Bromley BR1 3UHlicensing@bromley.gov.uk **020 8313 4218020 8461 7956 / 7546**

Public Health Complaints Team

Environmental Health and Trading Standards St. Blaise, Civic Centre, Stockwell Close, Bromley BR1 3UHehs.customer@bromley.gov.uk **020 8313 4830**

Health and Safety Team (unless the premises are visited by HSE, see below)

Environmental Health and Trading Standards St. Blaise, Civic Centre, Stockwell Close, Bromley BR1 3UHhealth.safety@bromley.gov.uk **020 8313 4830**

Chief Inspector of Weights and Measures

Environmental Health and Trading Standards St. Blaise, Civic Centre, Stockwell Close, Bromley BR1 3UHtrading.standards@bromley.gov.uk **020 8313 4830**

Planning Department

Head of Development Control North Block, Civic Centre, Stockwell Close, Bromley BR1 3UH
planning@bromley.gov.uk

020 8461 7763

Bromley Area Child Protection Committee

Room S315 Stockwell Building, Civic Centre, Stockwell Close, Bromley BR1 3UHANita Edwards **020 8461 7816**

Others

Metropolitan Police

Metropolitan Police Service Bromley Borough Police Station, High Street, Bromley BR1 1ERlicensing.py@met.police.uk **020 8284 9988**

London Fire Brigade

Borough Commander Fire Prevention Branch 4 South Street, Bromley BR1 1RHbromleygroup@london-fire.gov.uk **020 7587 4601**

HSE

Only if the premises are visited by the HSE and not the Council HSE Rose Court 2 Southwark Bridge, London SE1 9HS licensing.applications@hse.gsi.gov.uk

Appendix D

Accredited personal licence qualification providers

The Secretary of State has accredited the following personal licence qualifications under the Licensing Act2003:

BIIAB Level 2 National Certificate for Personal Licence Holders.

QCA Accreditation Number: 100/4866/2.

Website: www.bii.org

Telephone: 01276 684 449

Email: qualifications@bii.org

Address: BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU15 3PT

EDI Level 2 National Certificate for Personal Licence Holders.

QCA Accreditation Number: 100/4865/0.

Website: www.ediplc.com

Telephone: 02476516500

Email: enquires@ediplc.com

Address: Qualifications and processing centre, International House, SISKIHN Parkway East, Middlemarch Business Park, Coventry, CV3 4PE

GQAL Level 2 National Certificate for Personal Licence Holders.

QCA Accreditation Number: 100/5040/1. Website:

www.nationaltrainingco.com

Telephone: 0845 170 0001

Email: enquiries@pubshop.co.uk

Address: The Pubshop Ltd, Orchard Leigh, 96 Rodwell Avenue, Weymouth, DT4 8SQ

HABC Level 2 Award for Personal Licence Holders

QCA Accreditation Number: 500/7383/7

Website: www.highfieldabc.com

Telephone: 0191 239 8000

Email: info@highfieldabc.com

Address: Highfield Awarding Body for Compliance Ltd, Highfield House, Sidings Court Lakeside, Doncaster, DN4 5NL.

NCFE Level 2 National Certificate for Personal Licence Holders

QCA Accreditation Number: 500/4228/2

Website: www.ncfe.org.uk

Telephone: 0191 239 8000

Email: info@ncfe.org.uk

Address: Citygate, St James' Boulevard, Newcastle upon Tyne NE1 4JE

Accepted forms of Criminal Conviction Certificates

Basic criminal record checks

Basic criminal record checks can be obtained from Disclosure Scotland. For further details call their helpline number: 0870 609 6006, or visit their website at <http://www.disclosurescotland.co.uk/>

Or

A criminal conviction certificate issued under section 112 of the Police Act 1997,

A criminal record certificate issued under section 113A of the Police Act 1997, or

The results of a subject access search under the Data Protection Act 1998(b) of The Police National Computer by the National Identification Service,

In any case such certificate or search results shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority.

Appendix E

Declaration of Bromley and Beckenham Town Centres as being subject to a Special Policy of Cumulative Impact

On the 29 November 2004 the Licensing Authority considered a recommendation from the General Purposes and Licensing Committee (Report refES04313) that Bromley Town Centre as defined in the attached map ref BTC 83 should be subject to a Special Policy of Cumulative Impact. On the 21 February 2007 the Licensing Authority considered a recommendation from the General Purposes and Licensing committee (Report refACS07005) that Beckenham Town Centre as defined in the attached map ref Acs 07005 should be subject to a Special Policy of Cumulative Impact. The Licensing Authority is satisfied that within both of these areas the promotion of the four Licensing Objectives is being undermined by the presence of a significant number of licensed premises.

What is the effect of a Special Policy of Cumulative Impact

In an area subject to 'cumulative impact' the Licensing Authority will refuse to grant new Premises Licences, Club Premises Certificates or material variations to existing licenses where it receives relevant representations about cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to a refusal. The Licensing Authority cannot refuse an application unless it receives valid objections from local residents, businesses or organisations. If no objections are made, an application will be granted.

Appendix E: Map of Bromley Town Centre

**Appendix E: Map of Beckenham Town
Centre**

F: Contact Details³⁹NAME

ROLE DIRECT LINE

Licensing Team

Paul Lehane....Manager Food, Safety & Licensing020 8313 4216

David Candeland....Licensing Officer.....020 8313 4210

Laurie Grasty.....Licensing Officer.....020 8313 4734

Steve Phillips.... .Licensing Officer020 8313 4659

Pete Warne.....Licensing Officer.020 8313 4677

Paul Double.....Licensing Team.....020 8313 4218

Esther Devarajulu.....Licensing Team.....020 8461 7546

E.mail address - licensing@bromley.gov.uk

Planning

General Enquiries.....020 461 7763

Bromley Police Licensing Team

PC Andy Waddington.....Police (Licensing).....020 8284 998

PC Phil Spiteri.....Police (Licensing).....020 8284 9988

London Fire Brigade

General Enquiries.....020 7587 4601

Inland Revenue

South London Area.....0845 302 1455

Bromley Magistrates Court

The Court House1 London RoadBromleyBR1 1BY 020 8325 4000

Meeting:	Safer Bromley Partnership Strategic Group
Date:	16 December 2010
Subject:	Drug Action Team Annual Report
Author:	Claire Lynn, Strategic Commissioner, Mental Health claire.lynn@bromley.gov.uk

1 SUMMARY

- 1.1 This report is presented in order to update the Strategic Group of the Safer Bromley Partnership on the work of the Drug Action Team in respect of substance misuse. The report covers areas of progress and activity in relation to specific aspects of performance over the last year and also identifies the priorities for the future. This report has also been presented to the Public Protection and Safety and the Adult and Community Services Policy Development and Scrutiny Committees within the Council.

2 RECOMMENDATION

- 2.1 The Strategic Group is asked to
- Note the performance information contained within the report, and
 - Comment on the priorities for 2010/11 outlined in the report.

3 BACKGROUND INFORMATION

- 3.1 Substance misuse services in Bromley are commissioned by the Council and Bromley Primary Care Trust (PCT) through the Drug Action Team (DAT) for which the Council is the lead partner. The DAT partnership has representation from the local authority (children's services, adult services, and housing), health, probation, police and the voluntary sector.
- 3.2 The next few years will be challenging in terms of planning, development and delivery of local treatment services. The impact of the phased reduction in the Pooled Treatment Budget (PTB) allocation from the Department of Health and the Home Office (30 % cut in the baseline between 2007 and 2011) has resulted in a review of local treatment provision which maintains progress by aiming services at the hard to reach groups within the local substance misusing population through improved service commissioning and delivery arrangements that deliver good outcomes for service users and best value.
- 3.3 The strategic aims for substance misuse services are developed annually through the partnership planning process and with the National Treatment Agency. This takes place in November of each year with a needs assessment being updated annually in April. This report

includes data for the financial year 2009/10 with details of activity between November 2009 and November 2010. The overarching aim was to increase the number of people in treatment through improving access and the pathway through treatment. The specific priorities for last year are detailed below with the activity that has been undertaken this year to address these.

Continuous improvement in number of people in treatment

- 3.4 The overall number of people in effective treatment (i.e. people retained in treatment for twelve weeks or more and successfully discharged) increased to 820 in 2009/10, an 11.5% increase on the 2008/09 figure (735). This has been achieved mainly by increasing the number of problematic drug users moving into structured treatment (problematic drug users are defined as those using heroin and crack).
- 3.5 The Drug Intervention Programme (DIP) identifies Class A drug misusing offenders as they enter the criminal justice system, putting into action a range of interventions to deal with their behaviour, getting them 'out of crime and into treatment' and other support. The programme is funded through a ring fenced grant from the Home Office. Arrest referral workers work at the police station and the court to engage offenders into treatment.
- 3.6 Overall for 2009/10 the number of DIP referrals has decreased by 18% to 249, compared to 305 in the previous year. Data from the police and providers suggests that this is due to a reduction in the number of arrests at Bromley Police Station. During this year action has been taken to increase the number of referrals from probation into structured treatment through a weekly satellite clinic at Orpington probation office and to improve engagement in Police Station custody suites.
- 3.7 One of the most significant factors in providing effective treatment is the timeliness of people being assessed and entering into appropriate treatment and our objective is to triage (assess and refer to service) all clients within 6 weeks of referral by the Arrest Referral workers. Performance in respect of triaging clients within 6 weeks of referral has increased by 6% compared to the same period last year and now stands at 40%. This is slightly lower than the London and national averages. Although more needs to be done to increase the number of clients triaged within 6 weeks, all of those clients who have been triaged within 6 weeks have also started treatment within the 6 weeks.
- 3.8 There has been a 6% reduction in the number of clients already in treatment at the time of DIP referral which suggests that people who are in treatment are less likely to reoffend.
- 3.9 Between April and August 2009 there were significant issues with people waiting to start treatment with exceptionally high waiting times being given. The system was not resilient enough to allow for individuals in treatment to move through the treatment system. The blockage resulted in difficulties for getting new people into treatment as required. A Substitute Prescribing Service was piloted in 2009 which reduced the waiting list from 48 clients in September 09 to nil in October 09. This service has now been commissioned on a permanent basis. An additional "shared care" worker has also been appointed to boost the capacity within community prescribing ensuring that there is no waiting list for treatment services.

Young People

3.10 Nationally alcohol and cannabis are by far the most prevalent drugs of choice in the overall under 18's population. Nationally 56% of young people who use drugs report cannabis as their main drug and trends in Bromley are in line with the national trends. Cannabis use amongst young people who use drugs in Bromley was 57% in 2009/10, a 6% decrease from the previous year. The numbers of young people in drug treatment for the year 2009/10 is 221, with new presentations in the year reported as 164. This represents an increase on the previous year which was reported as 144 in treatment with 107 new presentations. Alcohol is the second most reported primary drug for young people who use drugs at 41%, an increase of 10% which is significantly higher than the London average. A full alcohol needs assessment has been completed to establish a more accurate picture of alcohol misuse by young people and to identify how services can be reconfigured to meet the need.

A Focus On Outcomes For Service Users In Line With The Recovery Agenda.

3.11 All treatment providers have specific outcome targets included in their contracts based on the Treatment Outcome Profile (TOP) devised by the National Treatment Agency. The purpose of specifying treatment outcomes is to ensure that the care pathway extends to recovery and community integration, engaging individuals in training and employment. All service users should have an individualised, written care plan that covers their substance use, physical and psychological health, criminal involvement and offending and recovery and reintegration needs. The Aftercare programme was re-launched in quarter 2 of 09/10 with individuals attending on a weekly basis. The DAT team is now working with providers to obtain accurate data on actual outcomes for service users.

Redesign Of The Treatment System With Improvements In Pathways And Access.

3.12 One of the partnership's priorities is a re-design of the treatment system to ensure that individuals can access appropriate treatment quickly and for the shortest period of time, both of which deliver the most positive outcomes. Services have been reviewed and service users and stakeholders have been consulted to look at the current pattern of service and how people move through the system to produce a model of provision prior to services being tendered. The model improves both the access for individuals as well as the pathway, ensuring that there are approximate timeframes for each stage. Services will be re tendered within the existing financial envelope.

3.13 The number of people entering treatment within the 18 - 25 year old range in Bromley is lower than expected the tendering of the new contracts will ensure that this group is provided for in services which best meets their needs.

Implement Clinical Governance Framework in line with NICE Guidance and the 2007 UK Clinical Guidelines.

- 3.14 A Clinical Governance Framework has been developed which has been implemented by all providers and is monitored through a regular audit process. The Clinical governance protocols set up a formalised mechanism through which clinical practice and associated developments can be measured, reviewed and monitored in all areas of the partnership's activities.
- 3.15 Further work on drug related deaths is underway through the clinical audit process, safeguarding and through the annual suicide audit.

Increase The Level Of Service User And Carer Involvement

- 3.16 Service user involvement is being developed, with a draft service user and carer involvement strategy having been drafted and the establishment of the forum linking into the Drug Reference Groups. The recently tendering for services involved service user representatives in the evaluation of the tenders. Carer involvement has been taken forward through the contract with Carers Bromley which supports the development of carer involvement and also provides representation on the Drug Reference Groups.
- 3.17 To focus on the impact substance misuse can have on the development and achievement of young people, Carers Bromley deliver packages to young people whose parents have substance misuse problems. This service provides young people with advice, information, support and activities to prevent children and young people falling into inappropriate caring roles. Carers Bromley also signposts parents to substance misuse services where appropriate.

Develop a Communications Strategy

- 3.18 Communication plays a key role in addressing the harm caused by substance misuse with a clear message that particularly young people need credible information about the risks posed by drugs; parents need information to build their knowledge and develop the confidence to address substance misuse issues within the family. In addition to information about access to services and support that is available across the borough, multi agency events have been facilitated with services across the PCT and the Council to deliver messages around links between drugs, alcohol, sexual health and crime. A Communications Strategy and Action plan has been developed and integrated into the treatment plan to ensure that appropriate messages and resources are delivered.

4 PRIORITIES FOR 2010/11

- 4.1 The priorities reflect the Council's view that the misuse of illicit drugs and alcohol is damaging to the individual, to the community in which they live and work and a direct contributor to crime, anti-social behaviour, poor health and detrimental to life opportunities. The priorities for Bromley for 2010/11 are:

- To counter the spread of drugs and to take rigorous enforcement actions both against dealers and drug users through focused action on disrupting drug markets and tackling all drug and alcohol related crime to ensure Bromley continues to be a safer, stronger and vibrant community.
- Drug users will be identified and directed into appropriate treatment to break the cycle of addiction and appropriate harm minimisation interventions will be provided for people where complete abstinence is not yet possible.
- To ensure that particularly young people understand the health, social and legal consequences of drug and alcohol misuse.
- To deliver these services ensuring positive outcomes for service users efficiently and effectively delivering value for money.

4.2 These priorities will be delivered through the following:

- Working with partners in community safety to ensure that access to treatment is offered to support enforcement action
- Working with partners to provide improved access to treatment
- Using outcome information to ensure that the treatment system delivers appropriate outcomes for individuals
- Ensuring assertive follow-up of all people provided with drug treatment services to test out the success of treatment following completion of treatment
- Using the procurement process to deliver value for money in service provision
- Increasing the level of education and information on the health, social and legal consequences of drug and alcohol misuse.

4.3 Specific actions to deliver the above will be detailed in the next year's treatment plan which is currently being drafted.

5 FINANCIAL IMPLICATIONS

5.1 The table below sets down the amounts and sources of funding available to the DAT for 2009/10.

Budget	Banked by	Amount £	Used for
Pooled treatment budget (DH and Home Office grant)	PCT	1,347,255	Drug misuse treatment, ranging from the provision of advice, counselling and support to more complex medical interventions such as detoxification and substitute

			prescribing. This pooled treatment budget remains ring fenced.
Adult and Community Services	LBB	227,500	Funding allocated to meet needs of those requiring long term interventions following the completion of detoxification. For example provision of care management, day programmes or significant residential treatment.
Young People' Partnership Grant	LBB	237,763	Funding for Young People's Treatment Service, as well as other YP focussed services to support delivery
PCT Mainstream	PCT	532,000 505,811	Drugs Alcohol
Drug Intervention Programme (Home Office grant)	LBB	259,269	Funding for a DIP staff and other Criminal Justice specific posts. In addition an allocation for specialist prescribing
Total		3,109,598	

Meeting:	Safer Bromley Partnership Strategic Group
Date:	16 December 2010
Subject:	Youth Offending Team Annual Report
Author:	Elayne Stewart, Manager, Bromley Youth Offending Team elayne.stewart@bromley.gov.uk

1 SUMMARY

- 1.1 This report is presented in order to update the Strategic Group of the Safer Bromley Partnership on the work of the Youth Offending Team. The initial inspection of Bromley Youth Offending Team (YOT) was undertaken by Her Majesty's Inspectorate Probation (HMIP) in November 2006. The inspection report identified a range of failings across the service. The YOT was re-inspected in January 2008 and focused on the recommendations contained in the original November 2006 report and published in May 2008. An annual report has been presented to provide an update to Members on the Bromley YOT Partnership. This report has been considered by the Public Protection and Safety and Children and Young People Policy Development and Scrutiny Committees at the Council.

2 RECOMMENDATION

- 2.1 The Strategic Group is asked to
- Note the information contained within the report, and
 - Comment on the priorities for 2010/11 outlined in the report.

3 BACKGROUND INFORMATION

- 3.1 Her Majesty's Inspectorate of Probation (HMIP) inspected Bromley Youth Offending Team (YOT) in November 2006. The inspection report identified a range of failings across the service which were reported to the relevant Council committees. The YOT was re-inspected in January 2008 and focused upon assessment of progress made in addressing the recommendations made in November 2006. This re-inspection highlighted significant improvement and areas where further progress was necessary. The YOT partnership received validation visits from the Youth Justice Board (YJB) in September 2008 and July 2009 as part of the revised Youth Justice Planning Framework.
- 3.2 The YJB implemented a revised performance improvement framework in 2010 which required the YOT partnership to complete a capacity and capability self assessment. The assessment was validated by the YJB London Regional Team during their visit in April 2010.

- 3.3 The YJB concluded that the self assessment demonstrated that the YOT partnership is performing adequately against youth justice national indicators (see Table 1 below) and has a good capacity to sustain and improve its performance. The scope of the assessment considered the following areas of activity:-
1. Assessment, Planning, Intervention and Supervision (APIS)
 2. Workforce Development
 3. Universal Services
 4. First Time Entrants (FTE)
 5. Re-offending
 6. Custody
 7. Serious Harm
 8. Safeguarding
 9. Victim and Public Confidence
- 3.4 The validation confirmed that service delivery in a number of key outcomes was good, notably in APIS, universal services, re-offending, FTEs, safeguarding and public confidence. The validation also acknowledged that the service had responded positively to the London YJB Re-offending project as part of a wider YJB national re-offending programme.
- 3.5 As part of the validation the YJB recommended service development in the analysis of the YOT's assessment tools, namely ASSET and ONSET, First Time Entrants. In addition the YJB recommended improving the internal management information systems to assist management oversight of risk of serious harm, vulnerability and risk management and these are discussed further in this report.
- 3.6 The analysis of Bromley YOT's 2008 re-offending cohort provided by the YJB in late 2009, as part of the re-offending project, identified key areas of focus and provided a foundation for further local analysis. These areas included a higher prevalence of female offenders compared to the national average of 20% (10/30), a higher rate of re-offending in the 1st tier (Referral Orders), overall 32% of all offences committed in 2008 by the 2008 re-offending cohort were criminal damage, and that Looked After Children represented 20% (6/30) of the analysed cohort. The Operational Board monitors progress against the Partnership's re-offending action plan.

Governance Arrangements

- 3.7 In October 2010 the leadership of youth justice and the specific functions undertaken by the YJB were transferred to the Ministry of Justice (MoJ). The transition period is expected to be approximately 18 months during which the YJB will continue to support YOT partnerships although their performance monitoring role is likely to be reduced.
- 3.8 Locally the YOT continues to be located in the Children and Young People's Directorate with direct line management of the YOT manager through the Assistant Director for Safeguarding and Social Care. The YOT's two tier governance arrangements continue to be strategically and operationally managed through both the Executive and Operational

Board respectively. The Head of Community Safety was appointed Chair of the Operational Board in April 2010 providing a strong strategic link across the two tiered arrangement. Attendance from the statutory partners and other key agencies has been retained with the appropriate level of seniority.

Performance and Quality Systems

- 3.9 The service continues to strengthen its performance reporting systems, analysis and performance management. The service has responded to the areas of development highlighted by the YJB in April 2010 by devising a performance monitoring tool for staff that enables each case officer to review outstanding activity on their caseload and provides timely triggers for completing and reviewing risk of serious harm and vulnerability assessments. In addition the service produces performance reports for both the Executive and Operational management boards, the latter contains a detailed breakdown of offending activity and crime patterns.
- 3.10 There has been a very significant local reduction in the overall number of FTEs between 2008/09 (315) and 2009/10 (203). Nationally, the Department of Education takes its FTE figures provided by the Police National Computer, which for Bromley was 266 for 2009/10. The differentiation is a national issue and highlights a gap in reporting systems where young people are arrested outside of their home borough. Bromley YOT partnership is confident that local reporting systems are accurate.
- 3.11 The reduction in FTEs correlates with the overall reduction in activity levels and court reports for 2009/10. Whilst the volume of first tier offences and final warnings have remained relatively static there has been a reduction in second tier orders, albeit the complexity of some cases is notably higher. The reduction in FTE suggests the service is managing young people with stronger offending characteristics.
- 3.12 The YOT partnership was encouraged to have met the re-offending target (N1 19) for 2009/10 given the challenges presented with the 2008/09 re-offending cohort. Notwithstanding the improvement the volatility of this performance indicator should be noted, given it is calculated by the number of re-offences committed and does not reflect seriousness of offence. A review of the effectiveness of the Deter cohort was prompted by the YJB re-offending analysis and whilst partner engagement has been rather stilted, it has provided the service with a distinct group on which to focus the intensity of interventions.
- 3.13 The partnership's performance against NI 43 was ultimately influenced by Quarter 1 2009/10 when a total of 15% young people receiving a conviction in court were sentenced to custody, albeit the sentences reflected the seriousness of the offences.
- 3.14 Although performance against N1 45 is worse than the 2008/09 end of year figure of 81%, Bromley is still performing better than its family at 76.9%, as reported in the YJB validation in April. This is a key area of focus for the partnership and one that has been highlighted to both management boards. The YOT is appropriately represented on local strategic and operational arrangements and improvement against this target will, if not nationally, be a local focus.

3.15 There is a slight increase in the over representation of Bromley BME young people in the youth justice system from 3.7% in 2008/09 to 3.8% in 2009/10. The YOT partnership refreshed its Race Action Plan in April 2010 to address the wide ranging challenges associated with over representation, progress of which is monitored by the Operational Management Board.

Youth Justice National Indicator Set 2009/10

Performance Indicator 2009/10	Bromley	Family	Target
NI 19: Reduce rate of proven re-offending by young people (Local Area Agreement Target)	1.07 (re-offences per young person)	0.73	1.08 (re-offences per young person)
NI 43: Young people who receive a conviction in court who are sentenced to custody	6%	5.5%	5%
NI 45: Young offenders engaged in training, education and employment	78%	76.9%	90%
NI 111: Reduce the number of First Time Entrants	54% (203)	17.9%	Target is 2% reduction year on year To comply with national target of 20% by 2020 through Youth Crime Action Plan (July 2008).
NI 44: Ethnic composition of offenders on youth justice disposals (Annual return)	3.8%	Not Applicable	Calculated by comparing % of BME offenders with % BME Bromley YP population

Table 1

3.16 Compliance with risk management procedures continues to be one of the service's high priorities which is supported by the mandatory quality assurance procedures in Children's Social Care and more recently by the detailed breakdown of cases to support staff in their case management.

Workforce and Organisation Development

- 3.17 The service continues to experience a relatively stable staffing compliment across the service and is appropriately supported in its secondment arrangements with statutory partners. During 2009/10 the majority of training attended by practitioners and managers has been associated with the implementation of the Youth Rehabilitation Order and the parallel introduction of the YJB's Scaled Approach. As part of the Race Action Plan bespoke diversity training was delivered for the whole service.
- 3.18 The service has retained its strategic links with key stakeholders and statutory partners to support delivery against preventing and reducing re-offending. The introduction of the Triage process in December 2010 (as required by the Youth Crime Action 2008), is a good example of partnership support through the police and the crime reduction partnership. There is a shared expectation that Triage will further reduce the number of FTEs and be an integral part of the partnership's future prevention arrangements.
- 3.19 There continues to be a substantial number of volunteers who support Referral Order Panels and the YOT mentoring project and the service's scope for community reparation remains stable, both of which are important features in demonstrating public confidence and victim awareness.
- 3.20 The service has begun its preparation for the next phase of HMIP Inspection which for the London area is likely to take place in 2011.

Accommodation

- 3.21 The planned essential external and internal building and maintenance works at 8 Masons Hill were completed in early summer. Although longer than anticipated the renovations have certainly improved both the fabric of the building and the morale of those working in the transformed environment.

4 FINANCIAL IMPLICATIONS

- 4.1 The 2010/11 budget for the YOT is £1.02m net of income and contributions, £1.5m gross. This includes the additional £0.2m which has been included in the base budget as agreed by the Executive in 2009/10 as part of the budget setting.
- 4.2 The YOT partnership is awaiting confirmation of both the YJB core funding grant and the prevention grant for 2011/12, in addition to which statutory partners are awaiting similar confirmations. The YJB has indicated that the primary focus of youth justice services should continue to be prevention and reducing re-offending, in response to which the YOT partnership is actively reviewing the most effective and efficient service configuration to deliver against these priorities.

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LG Group On-The Day-Briefing: The Police Reform and Social Responsibility Bill 1st December 2010



Headlines – Policing

- The Bill seeks to introduce **directly elected Police and Crime Commissioners**, with first elections scheduled for May 2012.
- The LG Group agrees that local accountability needs to be improved and communities should be given a say in how their streets are policed.
- However the LG Group does not believe introducing Commissioners is the best way to do this since it could weaken the ability of the police, councils and other public services to cut crime. It could also fragment local partnerships. The LG Group has instead developed an alternative model¹ for improving police accountability in England, based on existing best practice.
- The Bill also seeks to introduce **Police and Crime Panels** to scrutinise the work of Commissioners. The Bill proposes these will have a minimum of ten directly elected representatives – councillors in England, and councillors or Assembly Members in Wales.
- The Police and Crime Panels will be able to veto a Commissioner's proposed budget by a three quarters majority vote. They will also be able to veto any candidate recommended by the Commissioner for Chief Constable.
- Both these powers given to the Panels have been called for by the LG Group, and as such are strongly welcomed.

Headlines – Licensing

- The Local Government Group welcomes the Government's desire to rebalance the Licensing Act by better supporting licensing authorities to take action locally, within a revised licensing framework.
- Licensing premises to sell alcohol is only one of several factors that affect how people consume alcohol, and other interventions – such as increasing the cost of alcohol – may be a more effective way of achieving the government's stated policy goals. The LG Group regrets therefore that nothing has been included on the face of the Bill on the below cost price sale of alcohol.
- However the Home Office has committed² to "taking forward proposals to implement the ban on sale below cost without delay" via alternative means. The LG Group will therefore be seeking clarification on how this will be implemented, and reassurance that the burden of implementing and enforcing such a ban would not fall on councils.
- Operating the licensing system has cost council tax payers over a £100 million more than was anticipated. In the current economic climate, Government must do all it can to allow councils to spend flexibly in response to local needs and to recover costs wherever possible.

¹ This model looks to: reinforce links between neighbourhood policing, councillors and local residents; integrate police within councils at a management level; and offer real financial savings. The model is set out in 'Improving police accountability – the LGA's proposal' published in July 2010 <http://www.lga.gov.uk/lga/aio/12504618>

² This commitment has been published within the Government's response to the recent Home Office consultation on rebalancing the Licensing Act 2003. This is available at:

<http://www.homeoffice.gov.uk/drugs/alcohol/rebalancing-consultation/>

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England / Wales

Whilst this document covers proposed changes made under the Police Reform and Social Responsibility Bill relevant to both England and Wales, the Welsh Local Government Association has adopted a slightly different position to the Local Government Group on strengthening police accountability in Wales. For more details, please contact the Welsh Local Government Association³.

Policing

Police and Crime Commissioners

Under the Bill's proposals:

- Police Authorities will be abolished and replaced with Police and Crime Commissioners for each force outside of London, with the Mayor of London taking the role in the capital. Their salaries will be set by the Home Secretary on the advice of the Senior Salaries Review Body, and many of their functions are broadly similar to those of Police Authorities.
- Elections for commissioners will be every four years from May 2012 and held on the same day as local elections. The elections will be by the supplementary vote system and Commissioners will be limited to serving two terms.
- Commissioners will be required to produce a Police and Crime Plan, consulting local people on its content. Chief Constables will also have to have regard to the Plan.
- Commissioners will be 'responsible authorities' under the Crime and Disorder Act 1998, and have a duty to co-operate with the criminal justice system.
- Commissioners will have to publish information to allow local people to assess their performance and that of Chief Constables.

LG Group view

- The LG Group supports making the police more responsive to the public, but does not believe introducing directly elected individuals is the best way of doing this. The LG Group has developed an alternative model for strengthening police accountability⁴ in England based on existing best practice. This alternative model seeks to reinforce the links between neighbourhood policing teams, councillors and local residents.
- The LG Group has registered concerns that the introduction of Commissioners could fragment local partnerships as competing electoral mandates pull the police and councils in different directions.
- However the Group welcomes the appointment of Commissioners as 'responsible authorities', giving them a statutory duty to work with councils and the probation service on community safety matters.
- The LG Group will be seeking further clarification on the costs of the Commissioner elections to ensure these can be recovered by local authorities.

The role of the Police and Crime Panels (PCPs)

³ <http://www.wlga.gov.uk/english/>

⁴ Set out in 'Improving police accountability – the LGA's proposal' published in July 2010 <http://www.lga.gov.uk/lga/aio/12504618>

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Under the Bill's proposals:

- Councils will have to jointly establish a Police and Crime Panel to scrutinise the work of their Commissioner.
- These will consist of a minimum of ten councillors and two co-opted members. In Wales the panel will additionally include a member appointed by the Welsh Assembly Government. The Panels will have to represent the political make up of the local area.
- The Panel will review and report on the draft Police and Crime Plan, review the annual report, review or scrutinise decisions taken by the Commissioner, and publish any reports it makes to the Commissioner.
- The Panel will have the power to require the Commissioner and members of their staff to attend Panel meetings and respond in writing to any report it issues. The Panel will be able to suspend the Commissioner if they have been charged with an offence carrying a sentence of two or more years in prison.
- The Commissioner's proposed budget will be presented to the Police and Crime Panel, which will then review it and issue a report on it, with there being a power of veto for the Panel based on a three-quarters majority vote.
- Police and Crime Panels will appoint an acting Commissioner from amongst the Commissioner's staff if the Commissioner is incapacitated or is suspended.

LG Group view

- Government has responded favourably to the views of the LG Group put to them prior to the Bill's publication in respect to Police and Crime Panels.
- The LG Group welcomes the power of Police and Crime Panels to veto a Commissioner's proposed budget by a three quarters majority vote as opposed to through a public referendum, which would be costly and time consuming. However, the Group feels that a veto by a two thirds majority vote would be preferable to increase the authority of Panels.
- It is also sensible for the Panels to hold a power of approval over a Commissioner's recommended appointment for the post of Chief Constable.
- Furthermore it is positive to see that the vast majority of Panel members will be democratically elected representatives, including members from District Councils.

The relation of Commissioners and Community Safety Partnerships

Under the Bill's proposals:

- Commissioners and Community Safety Partnerships will be able to enter into collaboration agreements covering more than one partnership, to produce strategies for reducing crime and disorder. A Commissioner will be able to compel partnerships to produce strategies if they are not doing so.

LG Group view

- Community Safety Partnerships should not be forced to come together at a force level but rather should be encouraged to do so voluntarily by Commissioners.

Chief Constables and Police and Crime Commissioners

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Under the Bill's proposals:

- Chief Constables will have to obtain the views of people in a neighbourhood about crime and disorder through regular meetings with local police officers and the public.
- Commissioners will be able to appoint, suspend or dismiss the Chief Constable, although the power to appoint deputy and assistant Chief Constables will sit with the Chief Constable not the Commissioner.
- The appointment of a Chief Constable will be subject to approval by the Police and Crime Panel who will be able to veto candidates on a three-quarters majority vote, although a veto by a two thirds majority vote would be preferable to increase the authority of Panels.
- If the Commissioner wishes to dismiss a chief constable the Panel will have to hold a scrutiny hearing and make a report to the Commissioner.

LG Group view

- The LG Group welcomes the ability of Police and Crime Panel's to veto Chief Constable candidates on a three-quarters majority vote, although the Group feels that a veto by a two thirds majority vote would be preferable in order to increase the authority of Panels.
- The Home Office's commitment to the protection of police operational independence will make it difficult for Commissioners to hold Chief Constables to account, and provide a means for Chief Constables to sidestep answering to the Commissioner should they so wish.
- It is right that the police operate free from political interference, but all public officials including Chief Constables should be fully accountable.

Licensing

New powers for councils

Under the Bill's proposals:

- Licensing authorities will become 'responsible authorities', gaining the power to intervene in licensing applications and to take action against existing premises licences where there are problems.
- The 'light touch' regime for 'temporary events' will be modified to allow council's environmental health departments to intervene if events would disrupt or endanger the local community.
- The loophole which previously allowed premises to avoid existing controls by using temporary event notices will be closed – licensing authorities will be able to insist that existing licensing controls remain in place, and that the local community is properly protected.
- Councils will also be given more flexible powers to allow temporary events to go ahead, rather than having to adhere to the current rigid rules which have led to the cancellation of events, despite their potential benefit to the local community.
- The maximum period a temporary event can last will be extended to seven days.
- Licensing authorities will gain a crucial new power to suspend licences where annual fees are not paid. This will help councils to recover money owing and to tackle the minority of rogue businesses who do not comply.

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LG Group view

- The LG Group called for and therefore welcomes these proposals, as they will reduce bureaucracy and speed up the process of dealing with complaints for concerned residents and businesses. Crucially the new Temporary Events powers will enable councils to protect local communities from noisy, disruptive or dangerous events, whilst adopting a more flexible approach to the vast majority of temporary events.
- The LG Group is concerned however by the extension of temporary events to seven days' duration, an increase from the current three day limit per event. This change could result in more contentious, costly disputes between operators, the police, councils and the local community and the Group has a number of concerns it will be raising in detail as the Bill progresses.

Licensing Fees

Under the Bill's proposals:

- No announcement has been made on the Government's proposals for reforming licensing fees.

LG Group view

- The LG Group is concerned that the licensing system is being overhauled but that there has been no announcement from government on the crucial issue of fees, particularly given some of the proposals will add to burdens on councils. The local council tax payer is still subsidising the licensing system, due to the shortfall between centrally set fees and the true cost of administering the licensing system in most areas.
- The Group will be urging Government to introduce amendments to the Bill to enable local government to charge locally set fees reflecting licensing costs.

Late night levy

Under the Bill's proposals:

- Councils will be able to require late night operators who supply alcohol between midnight and 6am to pay a levy in addition to their existing licence fees. The levy would be payable to licensing authorities, who would then deduct their administrative costs and could then use up to 30% of the levy income in providing extra measures to reduce or prevent crime and disorder. The remaining 70% of levy income must be paid to the police.

LG Group view

- The late night levy does not address the fundamental problem of council tax payers subsidising the licence fees, as the bulk (70% minimum) of the levy is payable to the police.
- Councils want to encourage thriving town centres and night time economies, and the Group is concerned that this is an overly bureaucratic charge that does not allow councils the flexibility they need to provide the high level of services in the night time economy that business and communities deserve.

Other changes to the licensing system

For any further information, please contact:

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Under the Bill's proposals:

- The burden on councils to produce, consult on and publish a licensing policy statement every three years will be replaced with a system by which councils can update policies whenever necessary.
- The extension of "Early Morning Restriction Orders to be applicable between 24:00 and 06:00 (previously 03:00 to 06:00)
- Fines for underage sales will be doubled from (from £10,000 to £20,000).

LG Group view

- The Group welcomes the proposal to introduce a more flexible system of local licensing policy-making, as it allows councils to respond to the needs of the community and of businesses, rather than to Whitehall-imposed timescales
- The Group supports the intention to reduce underage sales and increase operator awareness of the seriousness of licensing offences. We are unconvinced however that operators who previously did often accept two-day closures, would be willing to consent to a seven-day closure, and may instead opt for trial at the magistrates' court and attempt to delay / avoid closure.

Seizure powers under byelaws

Under the Bill's proposals:

- Local authorities will be able to seize and retain property in connection with any breach of a byelaw.

LG Group view

- The LG Group welcomes these new powers which will allow councils to clamp down on breaches of trading standards.