

Decision Maker: General Purposes and Licensing Committee

Date: 27 May 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: LICENSING SERVICE UPDATED WORK PLAN FOR 2010 - 2011

Contact Officer: Paul Lehane, Head of Food Safety, Occupational Safety & Licensing
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Chief Officer: Nigel Davies - Director of Environmental Services

Ward: All

1. Reason for report

A further report setting out details of work areas agreed by Members at the meeting on April 7 2010

2. **RECOMMENDATION(S)**

Members are asked to note the scope and scale of two projects proposed in addition to the three areas of work already committed to.

Proposed Additional project areas

a. Proactive visits. To include up to 50 unannounced visits to high risk premises and 200 planned visits to low risk premises and 25 visits to clubs

b. Review and revise the standard licensing conditions applicable to animal boarding establishments, horse riding establishments, pet shops and dangerous wild animals.

Corporate Policy

1. Policy Status: Existing policy. Licensing Policy 2008 to 2011 and Gambling Policy 2010 to 2013
 2. BBB Priority: Vibrant Thriving Town Centres. Children and Young People. Safer Bromley. Excellent council
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Financial

1. Cost of proposal: <please select> N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Public Protection
 4. Total current budget for this head: £3.5m
 5. Source of funding: Existing Revenue Budget
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Staff

1. Number of staff (current and additional): 62 (Licensing Service 8)
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory requirement. Enforcement of licensing acts
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Businesses - 726 premises, 83 clubs licenced under the Licensing Act and 75 licenced animal welfare premises. Plus all customers and local residents
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

At the meeting on 7 April 2010 Members considered a report setting out details of work that the Licensing Team were committed to undertake in 2010 / 2011 and seeking views on some options for additional projects.

Members expressed a preference for the following additional project areas and asked for a further report setting out a more details:

1. Proactive visits to licensed premises (Premises licences and Club Premises)
2. Reviewing animal welfare licence conditions

Proactive visits to licensed premises (Licensing Act 2003)

The Council licences some 726 premises, 83 clubs for the sale of alcohol, provision of regulated entertainment and late night refreshment, plus 750 TENs (temporary event notices) and 2000 personal licences.

Currently many of the team's visits are reactive as a result of applications for new licences, applications to vary a licence, complaints received or other intelligence indicating problems.

This approach is risk based with compliant businesses receiving a light touch.

This approach results in the vast majority of licensed businesses having no contact with the Licensing Authority from one year to the next. Whilst this may not appear be a problem for businesses there are a number of drawbacks for both businesses and the Council

- a. Businesses may be restricted by their current licence and a reassessment with the support of a Licensing Officer may be helpful.
- b. The operation of licensed businesses can evolve over time and get out of step with the existing licence. Often the DPS (Designated premises supervisor) has changed but the Licensing Authority has not been notified or other changes have happened but not incorporated in the licence. Proactive visits would ensure that licences are accurate and conditions are being met
- c. There is a need to ensure that businesses requiring a license are licensed, thus ensuring a 'level playing field'.
- d. Licence holders pay an annual fee and have a reasonable expectation to be offered advice and guidance on licensing related matters
- e. A positive, open and trusting relationship based on personal knowledge of the businesses in the Borough assists in the promotion of Pride in Bromley, a stronger local economy and makes it easier to resolve problems if they occur.
- f. Bromley has a reputation for adopting a robust approach in its Statement of Licensing Policy and enforcing the Act where serious contraventions are found. This is balanced by a flexible and supportive approach to businesses needing advice and guidance or where minor breeches are identified.

It is proposed that a project to visit selected licence holders would be a positive step for businesses and the Licensing Authority.

The project would have the following elements

1. Unannounced visits to up to 50 high risk premises in the evening to ensure compliance with licence conditions especially those relating to noise from amplified music, use of outside areas and closing time. These visits would be selected based on location, the nature of the business, past record of complaints and would cover all Wards.
2. Planned appointments to up to 200 low risk businesses to offer advice and guidance and check on other administrative aspects of compliance.
3. Club Premises Certificates

Over the last year a number of clubs have come to the attention of the licensing team where they have not been operating in accordance with their own rules, opening longer than permitted and holding unlicensed entertainment.

It is proposed to visit 25 clubs to assess their compliance with their own rules and ensure they operate within the remit of the Licensing Act, offering appropriate guidance and taking proportionate enforcement actions as necessary.

Review of Animal Welfare Licence Conditions

The team has responsibility for a range of animal health related functions including the licensing of animal boarding establishments, horse riding establishments, pet shops and dangerous wild animals.

The standard licensing conditions that are attached to these licences have not been reviewed for many years and are now out of date.

A review of the current licence conditions is proposed with input from our animal health inspector to ensure that they are appropriate and proportional to today's businesses and animal health needs.

Revised standard licensing conditions would need to be agreed by this Committee later in the year.

4. POLICY IMPLICATIONS

The aims of the Council's Statement of Licensing Policy 2008 -2011 will be supported by undertaking the projects to licensed premises and clubs.

5 FINANCIAL IMPLICATIONS

Costs will be contained within existing revenue budgets

6 LEGAL IMPLICATIONS

The Council is the Licensing Authority under the Licensing Act 2003 and has the duty to promote the Licensing Objectives. Ensuring that businesses have the correct licence conditions and comply with them is one way that this duty can be discharged.

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	[Title of document and date]