

Decision Maker: **General Purposes & Licensing Committee**

Date: **16 February 2011**

Decision Type: Non-Urgent Non-Executive

Title: **LICENSING ACT 2003 - REVIEW OUTCOMES**

Contact Officer: Paul Lehane, Head of Food, Safety & Licensing
Tel: 020 8313 4216 E-mail: paul.lehane@bromley.gov.uk

Chief Officer: Nigel Davies - Director of Environmental Services

Ward: All

1. Reason for report

Councillor Owen (Chair of General Purposes & Licensing) requested a report summarising the outcome of all Review applications since 2005.

2. **RECOMMENDATION(S)**

Members are asked to note the outcome of the 19 Review hearings.

Corporate Policy

1. Policy Status: Existing policy. statement of Licensing Policy 2011 - 2014
 2. BBB Priority: Safer Bromley. Children & Young People, Vibrant thriving town centers, Excellent Council
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: Public Protection and Safety Portfolio Budgets
 4. Total current budget for this head: £4.54m
 5. Source of funding:
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Staff

1. Number of staff (current and additional): 66
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement. The Council is the Licensing Authority under the Licensing Act 2003
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents and over 700 businesses
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Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Licensing Act 2003 came in to effect in 2005 and the Council is the Licensing Authority.
- 3.2 The Licensing Authority delegated responsibility for the administration and enforcement of the Act to the General Purposes and Licensing Committee. This Committee has responsibility for determining applications for new licences, variations and personal licences where there are representations. They also hear applications for Reviews.
- 3.3 Where there are concerns that a licensed business is not 'Promoting the Licensing Objectives' in the way that it is being operated an application for a 'Review' can be made by any person. The Licensing Objectives are,
1. Prevention of crime and disorder
 2. Prevention of public nuisance
 3. Public Safety
 4. Protection of children from harm
- 3.4 A Review application is heard by a Licensing Sub Committee, who consider the application and representations by all parties. If the Sub Committee decide that the Licensing Objectives are not be properly promoted a range of powers are available to them including
1. Modify the conditions of the licence
 2. Exclude a licensable activity from the scope of the licence
 3. Remove the Designated Premises Supervisor
 4. Suspend the licence for a period not exceeding three months
 5. Revoke the licence

There is a right of appeal to the Magistrates Court against a Sub committee's decision.

- 3.5. Since 2005 twenty one 'Review' applications have been made to the Licensing Authority. (See Appendix 1 for a summary of the premises and outcomes).
- 9 by the Metropolitan Police (4 for violence and disorder 3 for drugs and 2 were withdrawn before hearing
- 8 By Trading Standards for underage sales
- 3 by the Public Health Team for noise nuisance
- 1 by Cllr Wells as Ward Councillor for Copers Cope Ward

3.6 Of the 19 applications heard by Sub Committee

- 18 had their licence conditions varied in some way
- 11 had their licence suspended (3 for violence, 2 for drugs, 5 for underage sales, 1 for breach of conditions)
- 1 had the hours of operation reduced for 4 weeks
- 1 had their licence revoked
- 3 have been subject to appeal.

4. POLICY IMPLICATIONS

The Council has adopted a Licensing Policy for 2011 – 2014 setting out how the Council discharges its responsibilities under the Act.

5. LEGAL IMPLICATIONS

The Licensing Authority discharges its legal functions through the General Purposes and Licensing Committee and its Sub Committees. These Sub Committees are charged with determining individual applications in a quasi judicial capacity. It is appropriate to review its decision making periodically to ensure that it is working within the framework set by the Licensing Policy and is adopting a consistent approach bearing in mind that each application must be considered on its own merits.

Non-Applicable Sections:	FINANCIAL & PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Premises records for the 21 individual applications

Appendix 1 Summary of Review Hearings

	Date	Premises	Review brought by	Outcome
1.	Nov 2010	Friends of Mine – Beckenham	Trading Standards Underage Sales	Licence conditions varied
2.	Oct 2010	Beckenham Convenience Store	Cllr Wells	Licence suspended for 2 months and conditions varied – subject to appeal
3.	June 2010	Jazzmines Bromley	Police Violence and disorder	Licence suspended for 2 months and conditions varied
4.	Jan 2010	Priory Tavern – Orpington	Police - Violence and disorder	Licence suspended for 3 months and licence conditions varied
5.	Nov 2009	British Queen Locks Bottom	Police cancelled	
6.	Nov 2009	Londis Newlands Park	Trading Standards - Underage sale	Licence suspended for 2 weeks and conditions varied
7.	Oct 2009	Spar Orpington	Trading Standards - Underage sale	Licence suspended for 3 months and conditions varied
8.	Aug 2009	Priory Tavern – Orpington	Public Health – Noise	No action taken on review
9.	Dec 2008	Elmer Lodge. Elmers End	Police – Violence / Disorder	Licence conditions varied
10.	Nov 2008	Walkabout 2 2008 Bromley	Police – Drugs	Licence conditions varied
11.	June 2008	Penge Food Store	Trading Standards - Underage sale	Licence suspended 1 month + conditions added
12.	Dec 2007	McColls Windsor Drive Green St Green	Trading Standards - Underage sale	Licence suspended 1 month and conditions varied
13.	Nov 2007	Alma - Crystal Palace	Public Health - Noise	Licence conditions varied
14.	Oct 2007	Freeland's Tavern – Bromley North	Public health – Noise	Licence conditions varied
15.	May 2007	Crown Plaistow	Police Drugs	Licences suspended for 3 months and conditions varied

		Lane Bromley		
16.	March 2007	Partridge – St Mary Cray	Police Drugs and firearms	Licence suspended for 3 months and conditions varied
17.	Feb 2007	O’Neils East st Bromley	Police Withdrawn	
18.	Jan 2007	Candy Store Express Chipperfield Rd	Trading Standards - Underage sale	Licence suspended 1 month and conditions varied
19.	March 2006	Walkabout 1. Bromley	Trading Standards - Underage sale	Operating hours reduced to 23.30 for 4 weeks and conditions varied
20.	March 2006	Delano East St Bromley	Police Violence / Disorder	Licence suspended 1 month and licence conditions varied. Appeal at Bromley Mags and suspension not upheld.
21.	March 2006	Times Off Licence West Wickahm	Trading Standards - Underage sale	Licences Revoked. Upheld on appeal