

Decision Maker: Licensing and General Purposes Committee

Date: 24 May 2011

Decision Type: Non-Executive

Title: LICENSING - WORK PLAN FOR 2011 AND REVIEW OF 2010

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Chief Officer: Nigel Davies - Director of Environmental Services

Ward: All Wards

1. Reason for report

To report on the performance of the Licensing Team for the year 2010 – 2011 and seek agreement on targets for 2011 – 2012

2. **RECOMMENDATION(S)**

Members are asked to :-

1. **Note the achievements towards the work plan set out for 2010 – 2011 and**
2. **Agree a work plan for 2011 – 2012 including**
 - a. **Running the Best Bar None Scheme in Bromley and Beckenham**
 - b. **Attending Pub Watch meetings**
 - c. **Undertaking Proactive Visits to licensed premises**
 - d. **Implementing the provisions of Police Reform and Social Responsibility Bill**
 - e. **Reviewing Licence fees**

Corporate Policy

1. Policy Status: Existing policy. Statement of Licensing Policy 2011 - 2014
 2. BBB Priority: Safer Bromley. Vibrant thriving Town Centres
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Public Protection & Safety Portfolio Budget
 4. Total current budget for this head: £4.54
 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: No statutory requirement or Government guidance.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Businesses - over 800 businesses licenced under the Licensing Act 2003, customers of those businesses and residents living in the vicinity
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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

Members approved an annual work plan for the Licensing Service in May 2010 for the year 2010 – 2011 . The projects agreed included

1. Review the Statement of Licensing Policy
2. Run the Best Bar None Scheme
3. Introduce an approved therapist scheme for Special Treatment Premises
4. Development of On-Line Licensing capability
5. Proactive Visits to licensed premises
6. Review animal welfare licence conditions

A brief summary of the project outcomes is set out below

3.1 Review the Statement of Licensing Policy

The statement of licensing policy was reviewed and approved by this Committee on 20 October 2010 and by Council on 25 October 2010. The new policy will be operational for the period January 2011 to January 2014. The policy was strengthened with regard to a number of matters including

- The Council's Commitment to the principle of 'deemed refusal' in areas subject to special policies of cumulative impact.
- Endorsement of a 'Challenge 25 policy'
- Added a section on underage sales
- Added a section on Drugs
- Expanded the Role of Ward Councillors to include the right to apply for a 'Review'
- Added a section on Takeaways with alcohol sale for consumption off the premises

3.2 Run the Best Bar None Scheme

The Scheme was offered to licensed businesses in Bromley and was extended to Beckenham this year. Out of 13 entrants 12 were credited with achieving the Best Bar None standard. Ivory Lounge in Ringers Road Bromley was named the overall winner.

3.3 Introduce an approved therapist scheme for Special Treatment Premises

This Committee approved revised standard licensing conditions for Special Treatments in April 2010, which included the introduction of Approved Therapists. The therapist scheme was introduced in September 2010 with full implementation anticipated by March 2012. To date 58 therapists have been approved.

3.4 Development of On-Line Licensing capability

Significant progress has been made on increasing the capability for On Line applications to be made. The infrastructure for applications and fee payments to be made On Line was fully installed and almost all types of licence applications can now be made On Line.

3.5 Proactive Visits to licensed premises

31 high risk premises licensed under the Licensing Act 2003 were visited out of hours (target was up to 50). The main issues identified were

- Lack of awareness of licence conditions by the Licence holder / DPS and failure to display the licence on the premises.
- Designated Premises Supervisors had changed but not been notified to the Council
- Drug wipes were used in all the premises to test surfaces in the toilet areas for the presence of Cocaine. In 17 (55%) premises traces of drugs were identified and the problem raised with the Licence holder / DPS, with encouragement to develop a drugs policy.

The operation of Club premises were also subject to a project to ensure that they are being operated properly and within the appropriate legal framework. 32 Clubs premises were included in this project. A small number of Clubs (less than 5) were found to be operating in a way which was incompatible with their Club Premises Certificate and these were advised to stop those activities and consider applying for a premises licence. In general Clubs are suffering from a decline in membership which is forcing many to look at ways to diversify and increase income. For some this may lead to applying for a Premises Licence.

3.6 Review animal welfare licence conditions

Revised animal welfare licence conditions were agreed by this Committee on 27 September 2011 and are being phased in to all existing businesses by May 2012.

Work Plan Proposals for 2011 to 2012

3.7 The following projects are suggested to target the priority areas of work for the Licensing Service. Members should bear in mind that one full time licensing officer post was deleted with effect from 1 April 2011 and this will have an impact on the scope of the proposed work areas.

3.8 Best Bar None Scheme

The Public Protection and Community Safety Portfolio Holder has agreed to fund the Best Bar None Scheme for this year. The level of funding has been reduced this year which will have an impact on the amount of work that can be contracted out to operate the scheme. In previous years the operation of much of the scheme had been contracted out. This year Officers will have to have a much higher level of involvement. Suggested target - to achieve 12 businesses applying for accreditation.

3.9 Pub Watch

There are two active Pub Watch groups (Bromley and Beckenham). These provide a useful informal forum for liaison between licensed businesses, the Council and the Police. Each group meets quarterly and Officers will attend at least three of the meetings for each Pub Watch group.

3.10 Proactive Visits to licensed premises

We should continue to undertake evening visits to identified high risk premises licensed under the Licensing Act 2003. This maintains a licensing presence among those premises who have the capacity to have the greatest negative impact on the promotion of the Licensing Objectives. It provides an opportunity to see the premises as they operate at their busier times and also allows Officers an opportunity to establish and maintain good working relationships with he

licence holders and designated Premises Supervisors. Appropriate support may also be offered to the business. Suggested target to undertake up to 20 visits.

3.11 Police Reform and Social Responsibility Bill

The Bill contains a number of important provisions which will have a significant impact on the Council as the Licensing Authority. As and when these are introduced there will be a need for Officers to refer to this Committee to establish our approach and policy and to communicate this to existing licence holders and others with who may be affected by the proposals.

3.12 Review of Licence Fees

The Council is required to ensure that fees charged in connection with licences and permits are based on full cost recovery basis. It is proposed that all non statutory fees are reviewed to ensure they are set at an appropriate level ensuing that the Council recovers the full cost of administration and enforcement.

4. POLICY IMPLICATIONS

The aims of the Councils Statement of Licensing Policy 2008 -2011 will be supported by undertaking the projects to licensed premises.

5. FINANCIAL IMPLICATIONS

The Public Protection and Community Safety Portfolio Holder has agreed a budget to £12,000 to fund the provision of the Best Bar None scheme. All other work areas are funded from existing budgets.

6. LEGAL IMPLICATIONS

The Council as the Licensing Authority under the Licensing Act 2003 has a duty to promote the Licensing Objectives. Inspections of high risk premises support this duty. The European Services Directive implemented through The Provision of Services Regulations 2009 establishes certain general requirements concerning the setting of fees and charges. The proposed review of licence fees will ensure we are compliant and that we are receiving the appropriate level of income.

<p>Non-Applicable Sections:</p>	<p>7. PERSONNEL IMPLICATIONS</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>Licensing Act 2003 . The Provision of Services Regulations 2009. Licensing Policy 2011 – 2014, GP & L Committee Reports 10 April 2011 (Special Treatments), 27 May 2010 (Work Plan) , 27 Sept 2010 (animal Welfare conditions)</p>