

LICENSING ACT 2003: MONITORING IMPLEMENTATION

SCRUTINY COUNCIL INITIATIVE: PROGRESS REPORT: 1 FEBRUARY 06

1. Background

The following progress report is based on the initial round of discussions between DCMS officials and Scrutiny Council (SCs) on the practical implementation of the Licensing Act during December 05 and January 06. In working with the SCs, we have also been able to obtain the views of responsible authorities such as the police and environmental health, interested parties, and other stakeholders in those areas and, in some cases, have heard from surrounding licensing authorities through, for example, countywide forums.

2. Transition

2.1 All SCs were under tremendous pressure to get applications processed and licences issued during transition. This was stressful for licensing teams and Councillors, particularly as the majority of applications were submitted very near to the 6 August deadline. Nearly all SCs took on extra temporary staff to help with the application process and some have been retained to help clear the backlog, including the issuing of licences. Whilst some SCs reported, at that stage, that a number of licences were still to be issued, they remained confident that this would be completed soon.

2.2 The licensing process represented a steep learning curve for all concerned. Most SCs tried to facilitate the process by running training sessions for councillors and responsible authorities, publishing information on their websites to assist applicants and residents and in several cases, establishing a licensing forum to bring together all the responsible authorities.

2.3 Transition was a useful opportunity for SCs to improve records and to

identify premises which had previously been trading illegally, or outside the limits of their existing licences.

2.4 SCs made extensive efforts to communicate with local trade, using council websites, letters and visits to premises, workshops, and the local media to encourage applications. As a result, some received up to 99% of anticipated premises licences by the 6th August deadline.

3. Early benefits

3.1 SCs have noted that licensing reform has had a positive impact on the engagement of residents in the licensing process, with local people showing a much better understanding about their rights to make representations and to contact the relevant authorities. In some areas, new local community groups have been set up on the back of issues raised around licensing. This bears out reports from many authorities that engagement by residents has resulted in new conditions on premises licences being agreed in thousands of instances.

3.2 In cases where representations had been made, most SCs sought to resolve issues through mediation and in many cases were able to avoid going to a hearing. SCs noted that councillors were actively engaging with the licensing process and approaching their new roles with enthusiasm.

3.3 Some SCs found that the licensing process helped to turn around some premises with a long history of disorder, alcohol related violence, etc. In one authority for instance, the police had applied for revocation of the licence of a High Volume Vertical Drinking premises with a history of problems including violence inside and outside the premises, bouncers assaulting customers, etc. However, the prospect of applying for a licence under the new Act encouraged the licensee to work with the police on a new action plan to improve the premises. Measures included: new seating, reduced capacity, extra CCTV, changes to queuing system, an over 21 admission policy, different music, a bottle ban from 7pm, and changes to management and door staff. As a result, the premises were turned around and the application to convert was successful.

3.4 SCs reported improved partnership working between licensing authorities, police, environmental health, other responsible authorities and local businesses as a result of the application process, with the establishment

of various forums to enable a strategic approach to licensing, and much more involvement of SCs in trade initiatives such as 'Pubwatch'.

3.5 Most welcomed the bringing together of alcohol licensing with public entertainment and late night refreshment as a real opportunity to grasp alcohol related problems in town and city centres and to address crime and disorder issues around previously unregulated premises such as takeaways.

4. Emerging issues

4.1 Several issues around the implementation and enforcement of the Act have started to emerge from our initial discussions with SCs, focusing on:

- advertising arrangements;
- Temporary Event Notices (TENs);
- the role of the Personal Licence Holder and the Designated Premises Supervisor;
- the role of responsible authorities;
- the role of councillors in the licensing process;
- confidentiality of representations from residents;
- licence application forms;
- variations.

4.2 We will be exploring these issues more fully with SCs, their responsible authorities and other stakeholders, in the next round of meetings and will produce a full report when the initiative comes to an end in May/June this year.

Scrutiny Council Headline Data at 1 February 2006

	Birming ham	Black pool	Brighton & Hove	Bristol	Cardiff	Havering	Manchester	Newcastle	Nottingham	Taunton Deane (at 4 Jan)
Premises licences	2705	1652	1029	1457	998	554	1813	1083	1315	405
Club premises certificates	Included above	42	56	124	82	Included above	81	Included above	51	19
Personal licences	2166	1858	1719	1639	1187	460	1234	868	996	493
Hearings held	113	108	194	-	293 (inc where agreement reached prior to hearing)	43	531	90	61	22
Appeals completed	14	2	4	0	22	3	24	2	-	2
Closure orders	0	0	2	0	0	0	0	0	-	-
Complete reviews	0	0	0	0	0	2	0	0	0	-
TENS given	161	91	136	112	203	171	263	147	36	34