

CITY OF PLYMOUTH



Scrutiny Report

Licensing

Community Cohesion and Equalities Overview and Scrutiny Panel

November 2004

LICENSING

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Preface



By Councillor Tom Wildy
Lead Member, Community Cohesion Overview and
Scrutiny Panel

The Licensing Act 2003 presents Plymouth City Council with a great opportunity. The Act consolidates the functions of the Licensing Justices and the Council, and rationalises legislation covering public entertainment, late night refreshment and alcohol licensing, with all these functions now being carried out by local authorities. This has significant implications for the development of a successful evening economy featuring:

- a vibrant cultural and creative sector;
- the development of a 'café' rather than a 'binge' culture;
- the beautiful city with the 'safer, cleaner streets' that we all seek.
- the promotion of community cohesion.

Crosscutting issues

The Council's role in the context of the Act links to other key areas, including crime prevention, the environment, trading standards, culture and the arts, economic regeneration and tourism. The Act is underpinned by four licensing objectives:

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

Enforcement

Because of its crosscutting nature implementation of the Act is best carried out through partnership working with the Council, residents, Landlords and their organizations, the Police, Arts and entertainment organisations. An excellent vehicle for this process is 'City Safe', a joint initiative by Plymouth licensees, Plymouth City Council, Devon Fire & Rescue Service and the Devon and Cornwall Constabulary. 'City Safe' seeks to promote and recognise good management practice, which in turn contributes to the licensing objectives. Applicants for licenses are strongly encouraged to subscribe to 'City Safe' as a method of demonstrating their commitment to meeting the licensing objectives.

The Arts and Creative and Cultural Industries

The Guidance to the Act recommends “*proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre*”. This is important because of the social, economic and cultural implications and impact of developing and active arts and creative economy. A key recommendation is that the Policy should explicitly support the arts, culture and entertainment, and Creative and Cultural Industries in general, through partnership action where required.

The Report recognises the importance of defending the rights of local residents and others affected by licensed activities, while welcoming the opportunities that the Licensing Act 2003 brings to the development of the city’s evening economy. The Panel believes it should be read in conjunction with the Alcohol Harm Reduction Strategy.

Finally I wish to thank all the individuals and organisations who gave evidence to the panel, the positive contributions of the panel members and last, but not least, the hard working staff supporting this important work.

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1.0 Summary

- 1.1 In the timescales permitted this Review focused on what interested parties thought of the Council's Statement of Licensing Policy Draft Consultation Paper, and what amendments they would make to it. It is acknowledged that further work needs to be undertaken on the links with various policy documents, including the Alcohol Harm Reduction Strategy and Anti Social Behavioural Orders and it is proposed that this is undertaken as part of the monitoring exercise recommended to be carried out in 12 months time.
- 1.2 The aim of the Review has been to examine the development of a policy on licensing arising from the introduction of legislation to transfer responsibility from local magistrates' courts to local authorities.

2.0 Glossary

CCTV	-	Closed Circuit Television
LVA	-	Licensed Victuallers Association
SIA	-	Security Industry Authority

3.0 Summary of Recommendations

Recommendations 1 – 26 relate to amendments to the wording of the Statement of Licensing Policy and Appendix 3 to this report detail the recommended Statement, with amendments shown in bold type

- R1. The Statement of Licensing Policy should include the Council's contact information.
- R2. Paragraph 2.2 of the Policy be placed after paragraph 2.5
- R3. Paragraph 2.2.1 should include:
- "and plastic receptacles" after "Toughened glass"
 - "to an agreed standard" after "Use of CCTV"
 - regular staff checks of all public areas including toilets
 - explicit policy of no violence towards staff
 - amnesty boxes to combat drug crimes
 - high profile zero-tolerance drug policy
 - high profile anti-racism/homophobia policy to be advertised in all establishments.
 - regular removal of glasses and bottles
 - safe company/transport advice to customers e.g. Signage on taxis
 - use of radio systems linked to other venues and CCTV centre
 - explicit availability of non-alcoholic drinks for drivers
 - free supply of tap water

- R4. With regard to Paragraph 2.2.4, “Use of Prove It! Cards” be replaced by “Use of robust proof of age requirement based on forgery–proof identification”
- R5. Paragraph 2.2.4 include “Clear signage on not selling alcohol to people aged under 18 or to others for the consumption by people aged under 18.”
- R6. Paragraph 4.3 be amended to read: “It is recognised that the licensing function is not a mechanism for the general control of anti-social behaviour by patrons once they are beyond the direct control of the licensee of any premises concerned. However, the licensee has a responsibility for the health and safety of patrons leaving the premises within a reasonable distance. Licensees should adopt clear signage concerning regard to residents and an effective dispersal policy.”
- R7. With regard to Paragraph 6.4, “Plymouth City Council would prefer...” be replaced by “Plymouth City Council will require...”
- R8. With regard to Paragraph 8.1, “lighter touch being applied” be replaced by “proportionate but vigorous and intelligence-led enforcement.”
- R9. With regard to Paragraph 11, clear and unambiguous guidance be provided with regard to the relevant procedure for obtaining a licence.
- R10. With regard to Paragraph 11, it be stated that applications may be filed by all channels possible within the requirements of the law.
- R11. With regard to Paragraph 11.6, “account will be taken of the need to encourage and promote live music, dancing and theatre” be replaced by “the Council will ensure the active promotion of live music, dance, street performances, circuses and all other art forms covered by the new licensing laws throughout the district, both in public locations and private premises.”
- R12. With regard to Paragraph 12.1 (“Decision on whether a complaint is irrelevant, frivolous, vexatious etc”): this decision to remain with Officers but decisions should be referred to the Licensing Committee for noting.
- R13. With regard to Paragraph 13.1, “..to reduce the sale...” be replaced by “...in support of the prevention of...”
- R14. With regard to Paragraph 13.1, “Drugs Action Team” be replaced by “Drugs and Alcohol Action Team”.
- R15. With regard to Paragraph 14, it be stated that door supervisors be in appropriate numbers with regard to the number of customers on the premises.
- R16. With regard to Paragraph 15, it be stated that all staff of on-licensed premises attend training programmes to raise their awareness of the issues relating to drugs and violence in licensed premises.

- R17. With regard to Paragraph 15, it be stated that all bar and off-licence staff be trained to the standards of the British Institute of Innkeepers or equivalent, to include regularly updated first aid training.
- R18. With regard to Paragraph 15, it be stated that all alcohol sales in supermarkets be made by properly trained staff.
- R19. With regard to Paragraph 15, it be stated that supermarkets and off-licenses request proof of age if individuals attempting to purchase alcohol appear to be below the age of 25.
- R20. With regard to Paragraph 15, it be stated that licensees be encouraged to consider the abandonment of price-driven promotions.
- R21. With regard to Paragraph 15, it be stated that licensees be encouraged to control the way alcohol offers are made by national organisations.
- R22. With regard to Paragraph 15, 'all-in' nights whereby unlimited amounts of alcohol are available following the purchase of an entry ticket should be discouraged.
- R23. With regard to Paragraph 15, it be stated that the Licensing Committee have the power where relevant representation has been made to require establishments to have CCTV pursuant to the prevention of crime and disorder.
- R24. Paragraph 15.4 be amended to include "Membership of 'City Safe' is used as part of the Council's risk analysis for the inspection of premises."
- R25. With reference to Paragraph 16, the Planning and Licensing Committees give due consideration to the potential impact of licensing on adjoining residential areas.
- R26. Paragraph 16 be amended to include "Sound limitation equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from licensed premises."

FURTHER RECOMMENDATIONS

"This panel further recommends to Cabinet that it has regard to and considers the adoption of the following additional recommendations either in the policy or in supporting guidance".

- R27. The Policy make pro-active and positive statements about arts, culture and entertainment and have that supported by partnership action where required.
- R28. The Council licence suitable open spaces.
- R29. The Council consider the blanket licensing of all Council-owned land in the City.
- R30. The Principal Arts Officer, the Community Services Manager and the Principal Parks Services Manager be included in the process of identifying suitable areas.

- R31. Those determinations to be made by Licensing Committee and those to be made by Planning Committee be strictly defined.
- R32. The Terms of Reference of the Licensing and Planning Committees be reviewed to take into account R31.
- R33. The Terms of Reference of the Licensing and Planning Committees allow for cross-referencing to inform decision-making.
- R34. The Overview and Scrutiny Commission establish a separate working party to consider the Saturation Policy.
- R35. The consultation for applications for entertainment licenses be placed prominently in Western Morning News, the Evening Herald and the Sunday Independent. If that is not possible then the consultation should be placed in the non-free local paper with the highest circulation. That it also be prominently displayed on the premises concerned in at least A3 format.
- R36. The Cabinet Member for the Environment and Street Services and the Chair of the Community Cohesion and Equalities Overview and Scrutiny Panel write to the Department for Culture Media and Sport expressing concern over:
- i) the proposed fee structure and probable costs to the council of implementation of the policy.
 - ii) the delays and short time-scales that were imposed.
- R37. The Local Government Association be advised of the desirability of the use of standard documentation proposed by the Department for Culture Media and Sport by all local authorities.
- R38. The Council examine in partnership with the Police Service venues charging a levy in order to finance the additional Police support required.
- R39. A Scrutiny working group be established to create a real forum for discussion and debate. A workshop approach would enable a crosscutting partnership to examine the issue of licensing more effectively, and in greater detail. It is felt by this panel that a golden opportunity has been lost due to time and remit restrictions.
- R40. Cohesive guidance be sent from the Department of Culture, Media and Sport and the Home Office concerning scope and timescales of future policy items.
- R41. Licensing Policy implementation and progress be reviewed by Scrutiny no later than twelve months from the appointed day the policy comes into place.

4.0 Introduction

4.1.1 The Overview and Scrutiny Commission agreed on 12 February 2004 that a Scrutiny Review on Licensing would be conducted by the Community Cohesion and Equalities Overview and Scrutiny Panel on receipt of Government Guidance. It was agreed that the whole Panel investigate the issue.

4.1.2 Members of the Panel were:

Councillor Tom Wildy, in the Chair
Councillor K Foster, Vice Chair

Councillors Fletcher, Mrs Ford, Haydon, Jordan, Kerswell, Dr Mahony, Rennie, Simmonds and Stevens.

Co-opted Members

Tom Miller (former Chair of the Plymouth Magistrates Bench)
Barry Phillips

4.1.3 The Panel were assisted by:

Lead Officer	-	Peter Clemens, Enforcement Supervisor (Licensing)
Officer Support	-	Stuart Truss, Building Control Manager
Administrator	-	Kevin Ross, Democratic Support Officer / Sally Pattle.

4.2 Terms of Reference

4.2.1 To examine the development of a policy on licensing, arising from the introduction of legislation to transfer responsibility from local magistrates' courts to local authorities.

To examine consultation responses and evaluate the evidence gathered from the witnesses called.

To make recommendations in line with guidance issued by Government.

4.3 Method of Investigation

4.3.1 The Panel considered the documentary evidence listed at Appendix 1.

4.3.2 Appendix 2 lists the people who appeared as witnesses before the Panel in person in order to hear a wide range of views. Three evidence-taking sessions were held (on 27 September, 6 October, and 11 October 2004.), hearing views from the witnesses.

5.0 Evidence

5.1 The Devon and Cornwall Police

The Devon and Cornwall Police were asked for their comments on the Statement of Licensing Policy Draft Consultation Paper and its implications, and what amendments they would make to it.

5.1.1 The Police emphasised the significance of the transition of responsibility from Magistrates Courts to Local Authorities.

5.1.2 As a general observation, the Police believed that the tenor of the Council's Statement of Licensing Policy Draft Consultation Paper should be firmer and more robust.

5.1.3 Comments on specific Paragraphs in the Council's Policy were:

Paragraph	Comments
2.2	This item would be better placed after paragraphs 2.3 to 2.5
2.2.1	<p>"Plastic receptacles" should be added after "Toughened glass"</p> <ul style="list-style-type: none"> – further suggested additions – • recommended standards of quality for CCTV • regular staff checks of all public areas including toilets • explicit policy of no violence towards staff • amnesty boxes to combat drug crimes • high profile zero-tolerance drug policy • high profile anti-racism/homophobia policy • regular removal of glasses and bottles • safe company/transport advice to customers e.g. Signage on taxis • use of radio systems linked to other venues and CCTV centre • explicit availability of non-alcoholic drinks for drivers
2.2.2	This item should be firmed up with regard to binge-drinking, price-driven promotions and responsible advertising
2.2.3	This item should be more explicit/robust
2.2.4	<p>Any card can be forged. There was a need of a robust proof of age requirement, possibly driving licences or passports</p> <p>There is also a need of good signage</p>
2.8	With multi-site saturation Police can concentrate on one area. If there were a number of areas on city outskirts more Police would need to be deployed.
4.3	There was a sliding scale of responsibility as customers move away from establishments. Good signage was important
6	This item should set out what are the high-density residential areas
6.4	"Plymouth City Council would prefer..." be replaced by "Plymouth City Council will require..."
8.1	"lighter touch being applied" should be replaced by "proportionate but vigorous and intelligence-led enforcement"
9.1	Lifelong Learning Department had an explicit role
13.1	<p>"..to reduce the sale..." should be replaced by "...in support of the prevention of..."</p> <p>Drugs Action Team was now the Drugs and Alcohol Action</p>

	Team
14	door supervisors should be in appropriate numbers with regard to the number of customers on the premises.
17	consideration should be given to the ratio of standing-only space and seating space.

5.2 Plymouth and South West Co-operative Society

The Plymouth and South West Devon Co-operative Society were asked for their comments on the Statement of Licensing Policy Draft Consultation Paper and its implications, and what amendments they would make to it.

5.2.1 The Society welcomed the Policy being broadly the same as Devon (except Torbay) as it was simpler for businesses operating throughout Devon to comply with the various provisions.

5.2.2 The Policy was largely geared towards the on-licence trade – consideration was needed to be given as to whether specific mention could be given to parts which are inappropriate for off licences.

5.2.3 The Society felt that the licensing arena should not be an area where councils extend their consideration of non-licensing issues – e.g. it should not be used as a type of planning control where planning legislation alone did not give the control the Council may wish to have.

5.2.4 The Society suggested that the Policy be amended by adding:

- more information in relation to the relevant procedure for obtaining a licence
- contact information for the council
- the ability to file applications by e-mail or through the council's website
- use of standard documentation by all local authorities (i.e. Universal adoption of the forms proposed by DCMS)
- More help and acknowledgement of the difficulties encountered by retailers in dealing with under age purchases. An acknowledgment that under age drinking is not the retailer's fault, but one of a social/cultural issue in which all parts of the community play a part.

5.2.5 The Society would delete from the Policy:

- Issues which only relate to the on-licence trade e.g. in 2.1 toughened glass, door supervisors, search procedures, restriction of drinks promotions
- Issues which should be dealt with by other parts of the council e.g. in 2.2.3 measures for limitation of noise emissions: this is more properly dealt with under planning control and/or environmental health provision
- In 2.2.4 the requirement to protect children from harm mentions the requirement for accompanying adults: this is inappropriate in a corner shop. Young people are often employed lawfully in off-licences and there are legislative provisions in place to protect them, e.g. the requirement to carry out risk assessments and the provisions for registration with the local authority for working children. The difficulties faced by adoption of those provisions in off licence should also be considered in relation to section 7 of the policy.

- In section 14 the requirement for door supervisors to be licensed should be clarified. Security guards are sometimes employed in off-licenses, sometimes employed by the Co-op and sometimes by an agency. The understanding is they have to be licensed under existing legislation if they are employed by an agency but not necessarily if they are employed by the Co-op itself. Believes existing legislation already covers this and there is no need for a specific requirement of this nature to be included in the Policy. This will place an additional burden on the Co-op and small shopkeepers that may result in a lower use of security guards.

5.2.6 It was felt by the Society that quality standards for CCTV may be prejudicial against older establishments, who could have old CCTV systems.

5.2.7 The Society disputed that low prices in off-sales fuel binge drinking, as alcohol sold in off-licences is not typically for immediate consumption.

5.3 Club and Pub Watch and the Licensed Leisure Association

Club and Pub Watch and the Licensed Leisure Association were asked for their comments on the Statement of Licensing Policy Draft Consultation Paper and its implications, and what amendments they would make to it.

5.3.1 Club and Pub Watch recognised that the four Licensing Objectives set out in the Licensing Act 2003 referred to the irresponsible use of alcohol, and focused on the importance of the introduction of an element of responsibility.

5.3.2 They therefore proposed the introduction of policies adopted by 'City Safe', a joint initiative by Plymouth licensees, Plymouth City Council, Devon Fire and Rescue and the Police. These were:

CITY SAFE	
The Responsible Sale of Alcohol –	
<ul style="list-style-type: none"> • No 'all in fee' nights • Fair, responsible and sustainable prices • No promotion of binge and speed drinking • Not tolerating drunkenness or serving intoxicated customers. 	
Customer Safety	
<ul style="list-style-type: none"> • Using good CCTV in premises • Using the radio system to warn and inform other premises • Providing non-alcoholic drinks for drivers • Disabled access friendly • Promoting the use of toughened glassware and/or plastic bottles or glasses • Removing empty glasses and bottles • No overcrowding policy • Advising customers to 'stay with friends' and use taxis and 	

public transport to go home
<ul style="list-style-type: none"> • Staff checks of public areas including toilets • Looking out for potential confrontations between customers • Watching out for vulnerable customers • Health and Safety policy • Public and liability insurance to be on display
Excluding Troublemakers
<ul style="list-style-type: none"> • Using exclusion orders to ban unruly customers – ‘banned from one banned from all’ • Using effective door control • Not tolerating abuse or violence to customers and staff • Using CCTV in premises and the Clubwatch/Pubwatch radios to warn and inform other premises of troublemakers • Security Industry Authority licensed door staff – appropriate numbers familiar with premises.
Not Tolerating Under-Age Drinking
<ul style="list-style-type: none"> • By only accepting photo ID such as passports or driving licenses • Making staff aware of their legal rights and responsibilities • Using appropriate signage – ‘If You Look Under 21 Years You Will Be Asked For ID’
Good Neighbourliness
<ul style="list-style-type: none"> • Control of customers leaving premises • Stopping noise emanating from premises • Keeping the neighbourhood tidy
Drug Awareness
<ul style="list-style-type: none"> • Not tolerating the sale or taking of drugs in the premises • Random searches of customers where appropriate and use of ‘drug amnesty boxes’
Staff Training
<ul style="list-style-type: none"> • Managers and staff aware of their ‘duty of care’ to customers • Staff aware of their legal rights and responsibilities • Encouraging them to undertake appropriate training courses • Regular attendance at Pub/Club Watch meetings • Homophobic and anti-racism policy put in place.

5.3.3 Club and Pub Watch and the Licensed Leisure Association would also like to see:

- a reduction of the number of licensed premises at the town end of Union Street
- the prohibition of manufacturers giving deals on alcohol
- controls on large pubs being similar to those on small clubs
- no 24 hour opening (which they believed was designed for the benefit of off-licences and supermarkets) in the on-trade
- no blanket policy for Amusements with Prizes Machines
- an extra hour on the terminal hour for occasions such as Christmas
- representatives of Plymouth City Council attending meetings of Pub and Club Watch
- staggered closing (which was already in operation in practice), being left owners' discretion.

5.4 Licensed Victuallers Association

The LVA were asked for their comments on the Statement of Licensing Policy Draft Consultation Paper and its implications, and what amendments they would make to it.

5.4.1 The LVA reported that not one of the LVA's 78 members welcomed the introduction of 24 hour opening. The preferred closing time for residential areas was midnight, with an additional thirty minutes drinking-up time. It was believed that no licensees (with the exception of public limited companies) would open 24 hours a day. No need could be seen for early opening hours.

5.4.2 The LVA supported staggered closing times for City Centre venues and initiatives such as closing doors before the bar closes and allowing for longer drinking-up periods.

5.4.3 Binge drinking was a major concern. All-in nights and supermarkets selling bulk quantities of alcohol at cheap prices contributed to this. Individuals become drunk on alcohol purchased in supermarkets before either attempting to continue drinking in licensed premises or drinking outside venues to the annoyance of residents.

5.4.4 The LVA opposed the allowing of saturation areas and what was seen as the extension of venues from Union Street to Royal Parade, North Hill and Mutley Plain. It was acknowledged that this increase in venues reflected demand, but it was believed that demand was fuelled by breweries selling cheap alcohol.

5.4.5 Concern was raised over the monitoring of licensed restaurants.

5.4.6 The importance of respective responsibilities being properly defined was emphasised.

5.4.7 The LVA recommended:

- All premises having CCTV to a standard and Security Industry Authority (SIA) trained door staff. It was acknowledged that the cost would be prohibitive for smaller venues, and requirements could be relaxed for these venues based on floor space.
- The possibility of having licensed bar staff.
- Effective liaison with taxi firms; customers proactively made aware of the availability of taxis.
- A consultative/managerial approach to licensing, with the revocation of licenses not being seen as a catch-all solution to problems.
- The existing requirement that pub and club licensees be fit and proper persons be extended to cover supermarkets.

5.5 British Institute of Innkeepers for Devon and Cornwall

The Institute were asked for their comments on the Statement of Licensing Policy Draft Consultation Paper and its implications, and what amendments they would make to it.

5.5.1 The Institute had identified two main issues:

- Under-age sales
- Serving intoxicated people.

5.5.2 The Institute recognised the change in drinking culture, whereby individuals become intoxicated before going to licensed premises.

5.5.3 In order to combat these issues a National Certificate for staff had been launched, and the 'City Safe' initiative dispatched to licensees and prospective licensees. The Institute stressed the importance of staff training (which they believed should also be in place for off-license staff) to include a qualification and on-the-job training, and recommended that the adoption of 'City Safe' or a similar policy be made a requirement for licensees.

5.5.4 The costs of CCTV, up-to-date plans, sound proofing, staff training, air conditioning disabled access and SIA courses for door staff were prohibitive and risked driving smaller venues and door staff out of business. The Institute would recommend a probation period.

5.6 Principal Arts Development Officer

The Principal Arts Development Officer was asked for his comments on the Statement of Licensing Policy Draft Consultation Paper and its implications, and what amendments they would make to it.

5.6.1 The Principal Arts Development Officer identified three key areas:

- i) The Local Economy

- An economic impact study of arts and entertainment on the city centre had not been undertaken, but in 1994 it was estimated that the annual economic impact of subsidised city centre venues alone was worth a minimum of £13 million to the local economy.

ii) Social Inclusion

- If community and voluntary sector groups find it hard to get the licenses they require to stage events, it is going to have an impact on local identity, local pride and on community cohesion
- If young people cannot get their first performance opportunity because community venues cannot get the licenses then this may adversely affect community cohesion.

iii) City Image, Marketing and Tourism

- The more events and activities in a city, of all types and at all levels, the more that city is perceived to be buzzing and thriving and the better chance of it having a good external image.

5.6.2 The Principal Arts Development Officer felt that Plymouth's Draft Policy was a "*de minimus*" policy, which in paragraphs 11.6, 11.7 and 11.9 sought to "take account of" arts and entertainments rather than pro-actively encourage and promote them.

5.6.3 The new single liquor and entertainments licence ought to create more arts and entertainments opportunities in commercial and professionally run venues, but consideration ought also to be given to community venues, public spaces and temporary spaces.

5.6.4 If the Act was not applied in an enabling way, if the cost of application was high, if the process was complex or lengthy, the implications would be a disincentive for community groups and the voluntary sector to organise events: this would lead to a knock-on effect on opportunities for performers and on social cohesion, the city economy and its image.

5.6.5 As everything had to be licensed, the Licensing Committee and its Officers had the power to shape or break culture, arts and entertainment in the City.

5.6.6 Contrast was made between Plymouth City Council's Statement ("...account will be taken of the need to encourage and promote...") and Canterbury City Council's Statement ("...the active promotion of ...").

5.6.7 Creative Plymouth sought to use creativity to make Plymouth a more vibrant and vital city and the best waterfront city in Britain. The interpretation and application of licensing policy in a way that is positive towards culture was vital if the Creative Plymouth vision was to be realised.

5.6.8 The Principal Arts Development Officer placed emphasis on the importance of the Council identifying and licensing suitable open space.

5.7 City Centre Manager

The City Centre Manager was asked for his comments on the Statement of Licensing Policy Draft Consultation Paper and its implications, and what amendments he would make to it.

5.7.1 The Panel was informed that the Mackay vision envisaged more licensed premises and more residences in the City Centre: the main issue was how in 10 or 20 years this would be managed. Individuals were the responsibility of landlords only when they were on the premises, and there were issues of anti-social behaviour, crime and disorder and public nuisance once patrons left the premises. C.C.T.V. and an effective dispersal policy were ways to combat this.

5.7.2 Fly-posters and litter from flyers were additional problems.

5.7.3 As important as saturation was the mix of premises, so that food outlets/wine bars etc. were included as well as pubs/clubs. Venues with outdoor seating were to be encouraged.

5.8 Development Control Manager

The Development Control Officer was asked to clarify the link between Planning and Licensing and inform on how this worked now and how this would be improved.

5.8.1 The Panel was informed that the objective was that Planning and Licensing regulatory bodies share common goals. Paragraph 3.5.1 of the Guidance Notes emphasised that Planning and Licensing should be properly separated to avoid duplication. It would be duplication for planners to be statutory consultees to changes in licences.

5.8.2 Under the Act, Planning may have influence on opening hours. The growth in the number of entertainment licences meant that there was potential to inform the planning process for new applications.

5.8.3 There was the potential for Planning to consult with Licensing on new developments, but not on an individual basis.

5.8.4 Groupings of premises already a Planning consideration. There would be a different way of feeding information and informing the decision-making process, but all applications would be treated on their individual merits

5.8.5 Possibility of a working group between the Planning and Licensing committees, or training to assist clarity

5.8.6 Planning must make its decisions under Planning legislation, and Licensing must make its decision under Licensing legislation.

5.9 Councillor Pattison, Cabinet Member with responsibilities for the Evening Economy and Safer Communities

Councillor Pattison was asked to explain to the Committee how the Licensing Policy would assist in the 'Safer/Cleaner Streets' policy.

- 5.9.1 The Panel was informed of the importance of striking a balance between people coming into the city to enjoy a vibrant environment not impeding on the ability of residents (whose presence in the centre was part of the Mackay vision) to lead their lives in peace and comfort. Councillor Pattison was conscious that many residents will have chosen to live in the city centre and would welcome the vibrancy that this will offer. Such residents and prospective residents will need to be aware that there will be more to the city centre than pubs.
- 5.9.2 It is therefore important to consider the saturation of types of licenses; for instance there should be bar/restaurants as well as night clubs.
- 5.9.3 The importance of the Council using the powers it already possesses to enforce matters such as noise and equipment and the responsible conduct of business was stressed.
- 5.9.4 Councillor Pattison welcomed the standards set out in the 'City Safe' initiative.
- 5.9.5 Councillor Pattison suggested the possibility of a publicity drive to urge venues into joining 'City Safe', and supported the provision of a proof of identity which could not be forged.
- 5.9.6 The Council should consider the possibility of venues charging an entrance levy in order to finance the require level of Police support, as is the case in other large cities.

5.10 Acting Head of Safer Communities

The Acting Head of Safer Communities was asked how the Policy will contribute to public safety?

- 5.10.1 The Committee was informed that there was a benefit in moving away from fixed closing times; the Policy should encourage spreading problems e.g. many people all wanting taxis and food over a longer period of time.
- 5.10.2 The provision of safety glasses, free water and amnesty boxes was of importance in nightclubs.
- 5.10.3 The Acting Head of Safer Communities stressed the importance of early interventions, the involvement of the Youth Offending Team, problem solving and preventative work.

5.11 Building Control Manager

The Building Control Manager was asked:

1 What were the future financial arrangements and implications for the Council?

2. How the Council's Licensing Policy would help towards reducing the number of premises making under age sales by 50% by 2006, and how effective the Policy will be in controlling alcohol abuse, safer dancing, public disorder and environmental impact?

- 5.11.1 The Building Control Manager informed the Panel that there was uncertainty as to how the new arrangements were to be funded: all regulations were out to consultation except regulations on fee structures. Guidance on funding had been received and there was a proposal to relate fees to rateable values.
- 5.11.2 There would be an increase in the number of licenses, from the present c.130 entertainment licenses to the anticipated over 100 premises licenses and up to 4000 individual licences. The larger premises currently paid c. £12,000 per year, and may in future pay under £500 per year. An exercise had concluded that the net result of more licences each costing less would be close to being cost-neutral. In addition there would be applications from small hotels and gaming machines.
- 5.11.3 There would be a need for additional staff but it the number was not currently known.
- 5.11.4 There was a real fear that income would not be sufficient for the new resources. The Licensing Department were investing in new IT hardware and software. No Grants were available.
- 5.11.5 The importance was stressed of setting up a dialogue to deal with block applications, as there was a fear that some applications may be passed when they should not be, because officers have not had the time properly to look at them
- 5.11.6 The budget had made no allowance for the cost of appeals.
- 5.11.7 The Committee was informed that if there was evidence of crime or disorder or harm to children, the Council could invoke conditions restricting the hours that off-licenses can sell alcohol.
- 5.11.8 The Building Control Manager would welcome a National ID card or another fail-safe card, and believed that the 'City Safe' policy of requesting proof of age if individuals appear to be below the age of 21 could be adopted for off sales.
- 5.11.9 Trading Standards and Security Industry Authority provide training for staff in identifying under-18s. Trading Standards also go into schools.
- 5.11.10 The Building Control Manager informed the Committee that Police may make objections on issues of public disorder and that Environmental Health Officers build up information in respect of noise issues.

- 5.11.11 City Safe was used as a sensible means of a risk analysis approach for inspection – if premises were not signed up they were inspected more frequently.

6.0 Conclusions and Recommendations

6.1 The Licensing Authority has a duty under the Licensing Act 2003 to carry out its licensing functions with a view to promoting the four licensing objectives. These are:

- **The prevention of crime and disorder**

R3. Paragraph 2.2.1 include:

- “and plastic receptacles” after “Toughened glass”
- “to an agreed standard” after “Use of CCTV”
- regular staff checks of all public areas including toilets
- explicit policy of no violence towards staff
- amnesty boxes to combat drug crimes
- high profile zero-tolerance drug policy
- high profile anti-racism/homophobia policy. This should be advertised in all establishments.
- regular removal of glasses and bottles
- safe company/transport advice to customers e.g. Signage on taxis
- use of radio systems linked to other venues and CCTV centre
- explicit availability of non-alcoholic drinks for drivers
- free supply of tap water

R7. With regard to Paragraph 6.4, “Plymouth City Council would prefer...” be replaced by “Plymouth City Council will require...”

R8. With regard to Paragraph 8.1, “lighter touch being applied” be replaced by “proportionate but vigorous and intelligence-led enforcement.”

R13. With regard to Paragraph 13.1, “..to reduce the sale...” be replaced by “...in support of the prevention of...”

R14. With regard to Paragraph 13.1, “Drugs Action Team” be replaced by “Drugs and Alcohol Action Team”.

R15. With regard to Paragraph 14, it be stated that door supervisors be in appropriate numbers with regard to the number of customers on the premises.

R16. With regard to Paragraph 15, it be stated that all staff of on-licensed premises attend training programmes to raise their awareness of the issues relating to drugs and violence in licensed premises.

R20. With regard to Paragraph 15, it be stated that licensees be encouraged to consider the abandonment of price-driven promotions.

R21. With regard to Paragraph 15, it be stated that licensees be encouraged to control the way alcohol offers are made by national organisations.

R22. With regard to Paragraph 15, 'all-in' nights whereby unlimited amounts of alcohol are available following the purchase of an entry ticket will not be permitted.

R23. With regard to Paragraph 15, it be stated that the Licensing Committee have the power where relevant representation have been made to require establishments to have CCTV pursuant to the prevention of crime and disorder.

- **Public Safety**

R17. With regard to Paragraph 15, it be stated that all bar and off-licence staff be trained to the standards of the British Institute of Innkeepers or equivalent, to include regularly updated first aid training.

R18. With regard to Paragraph 15, it be stated that all alcohol sales in supermarkets be made by properly trained staff.

R24. Paragraph 15.4 be amended to include "Membership of 'City Safe' is used as part of the Council's risk analysis for the inspection of premises."

- **The Prevention of Public Nuisance**

R6. Paragraph 4.3 be amended to read: "It is recognised that the licensing function is not a mechanism for the general control of anti-social behaviour by patrons once they are beyond the direct control of the licensee of any premises concerned. However, the licensee has a responsibility for the health and safety of patrons leaving the premises within a reasonable distance. Licensees should adopt clear signage concerning regard to residents and an effective dispersal policy."

R25. With reference to Paragraph 16, the Planning and Licensing Committees give due consideration to the potential impact of licensing on adjoining residential areas.

R26. Paragraph 16 be amended to include "Sound limitation equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from licensed premises."

The Protection of Children from Harm

R4. With regard to Paragraph 2.2.4, "Use of 'Prove It!' Cards" be replaced by "Use of robust proof of age requirement based on forgery-proof identification"

R5. Paragraph 2.2.4 include "Clear signage on not selling alcohol to people aged under 18 or to others for the consumption by people aged under 18"

R19. With regard to Paragraph 15, it be stated that supermarkets and off-licences request proof of age if individuals attempting to purchase alcohol appear to be below the age of 25.

6.2 The Panel considered the Guidance to the Act Paragraph 3.58: "...proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre.":

R11. With regard to Paragraph 11.6, "account will be taken of the need to encourage and promote live music, dancing and theatre" be replaced by "the Council will ensure the active promotion of live music, dance, street performances, circuses and all other art forms covered by the new licensing laws throughout the district, both in public locations and private premises."

R27. The Policy make pro-active and positive statements about arts, culture and entertainment and have that supported by partnership action where required.

R28. The Council licence suitable open spaces.

R29. The Council consider the blanket licensing of all Council-owned land in the City.

R30. The Principal Arts Officer, the Community Services Manager and the Principal Parks Services Manager be included in the process of identifying suitable areas.

6.3 The Panel thought it of importance to clarify the relationship between the Licensing and Planning functions:

R31. Determinations made by Licensing Committee and Planning Committee to be strictly defined.

R32. The Terms of Reference of the Licensing and Planning Committees be reviewed to take into account R33.

R33. The Terms of Reference of the Licensing and Planning Committees allow for cross-referencing to inform decision making.

6.4 The Panel gave consideration to the clarity and efficiency of the licensing process:

R1. The Statement of Licensing Policy include the Council's contact information.

R2. Paragraph 2.2 of the Policy be repositioned after paragraph 2.5

R9. With regard to Paragraph 11, clear and unambiguous guidance be provided with regard to the relevant procedure for obtaining a licence.

R10. With regard to Paragraph 11, it be stated that applications may be filed by all channels possible within the requirements of the law.

R12. With regard to Paragraph 12.1 (“Decision on whether a complaint is irrelevant frivolous vexatious etc”): this decision remain with Officers but decisions should be referred to the Licensing Committee for noting.

R34. The Overview and Scrutiny Commission establish a separate working party to consider the Saturation Policy.

R35. The consultation for applications for entertainment licenses be placed prominently in Western Morning News, the Evening Herald and the Sunday Independent. If that is not possible, it be placed in the non-free local paper with the highest circulation. That it also be prominently displayed on the premises concerned in at least A3 format.

R37. The Local Government Association be advised of the desirability of the use of the standard documentation proposed by the Department for Culture Media and Sport by all local authorities.

R38. The Council examine in partnership with the Police Service venues charging a levy in order to finance the additional Police support required.

R40. Cohesive guidance be sent from the Department of Culture, Media and Sport and the Home Office concerning scope and timescales of future policy items.

6.5 The Panel having been informed of future arrangements and implications for the Council, recommended that:

R36. The Cabinet Member for the Environment and Street Services and the Chair of the Community Cohesion and Equalities Overview and Scrutiny Panel write to the Department for Culture Media and Sport expressing concern at:

- i) the proposed fee structure and probable cost to the Council of carrying out licensing.
- ii) the delays and short timescales imposed.

R39. A Scrutiny working group be established to create a real forum for discussion and debate. A workshop approach would enable a crosscutting partnership to examine the issue of licensing more effectively, and in greater detail. It is felt by this panel that a golden opportunity has been lost due to time and remit restrictions.

R41. Licensing Policy implementation and progress be reviewed by Scrutiny no later than twelve months from the appointed day of the Policy Act.

Appendix 1: Reference Materials

1. Licensing Act 2003

2. Government Guidance to the Licensing Act 2003
3. Plymouth City Council's Statement of Licensing Policy – Draft Consultation Paper
4. European Measures on Alcohol
5. Liquor Licensing and Public Disorder – a Review of Literature on the Impact of Licensing and Other Controls
6. Plymouth City Council Scrutiny Report on the Model National Standard Conditions for Places of Public Entertainment (2003)
7. Alcohol Concern Fact Sheet on Binge Drinking

Appendix 2. Contributors

The Panel would like to express their sincere thanks to all those who were able to provide information and advice either through their attendance at one of the various evidence sessions or via written submissions:

Councillor Pattison	-	Plymouth City Council
Superintendent Peter Strawbridge	-	Devon and Cornwall Constabulary
Jane Powell	-	Deputy Secretary and Solicitor, the Co-operative Society
Peter Jones	-	Chairman, Club and Pub Watch
Kenneth Locke	-	Vice-Chairman, Licensed Leisure Association
Steve Scarff	-	Chairman, Licensed Victuallers Association
Stuart Truss	-	Building Control Manager, Plymouth City Council
Peter Aley	-	Acting Head of Safer Communities, Plymouth City Council
Keith Debruin	-	Chairman, British Institute of Innkeepers for Devon and Cornwall
David Draffan	-	City Centre Manager, Plymouth City Council
Clive Perkin	-	Development Control Manager, Plymouth City Council
Paul Kelly	-	Principal Arts Development Officer, Plymouth City Council