

Minutes

Licensing Committee

13th January 2010



Present:

Councillors	Present	Councillors	Present
M J Banthorpe (Chairman)	Yes	M Lynch	Yes
J C Collar	Apologies	T McArdle	Yes
J G J Elliott	Apologies	A M Meyer	Yes
R Elliston	Yes	Mrs J A Pell	Yes
J H G Finbow	Yes	A F Shelton	Yes
Mrs S A Howell	Yes	Mrs J A Smith	Yes
P J Hughes	Yes (from 7.22pm)	F Swallow	Yes
E R Lynch	Apologies		

40 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

41 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 25th November 2009 be approved as a correct record and signed by the Chairman.

42 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

43 **ANNUAL MEETING WITH ESSEX POLICE**

INFORMATION: In accordance with a decision made at a previous meeting of the Licensing Committee and the Terms of Reference which had been agreed, Mr S Sparrow, Licensing Manager for Essex Police Central Division attended the meeting and provided Members with a general, annual update on licensing matters. Councillor Banthorpe, Chairman of the Licensing Committee, welcomed Mr Sparrow to the meeting and he invited Mr Sparrow to give his presentation which would be followed by a Question and Answer session.

Presentation by Mr S Sparrow

Mr Sparrow explained that he was the Licensing Manager for Essex Police Central Division Licensing Unit which covered the Districts of Braintree and Uttlesford, with most licensed premises being within the Braintree District.

Mr Sparrow explained that the current licensing law was contained in the Licensing

Act 2003 which had come into effect in November 2005. At this point, the Magistrates Courts' responsibility for administering licences for the sale of alcohol had passed to local District Councils. The Act had four licensing objectives which were the prevention of crime and disorder; the prevention of public nuisance; public safety; and the protection of children from harm.

Mr Sparrow explained that the following matters were covered by the 2003 Act - the sale of alcohol by retail; regulated entertainment; the supply of alcohol at Club Premises; late night refreshment; and personal licences. The regulation of Betting Shops was also administered by local Councils and monitored by Essex Police under the Gambling Act 2005.

Mr Sparrow explained that the main functions of the Police Licensing Unit were to assess applications for the transfer of a Premises Licence Holder, or the change of a Designated Premises Supervisor; to process applications for Temporary Event Notices (TENs); to give advice to new and current Premises Licence Holders; and to maintain details of all licence applications and alcohol related Police incident records on the 'Innkeeper database'. Currently, there were approximately 1000 licensed premises within the area and about 1000 applications for TENs were processed annually. Mr Sparrow reiterated that Essex Police could object to applications for Personal or Premises Licences, or seek a review of such licences. However, such matters had to be lodged under one of the four licensing objectives.

Mr Sparrow stated that the Essex Police Licensing Unit worked with the Essex Licensing Officers Forum to develop best practice and to share information. The Licensing Unit worked also with partners such as Drugs and Alcohol Reference Groups (DARGs), local authorities and other responsible authorities; and with the Essex Police Central Division Command Team and operational Police Officers. In addition, the Licensing Unit administered five 'Pubwatch' and three 'Behave or Be Banned' (BOBB) schemes.

Mr Sparrow reported that the Innkeeper database had highlighted ten premises within the Braintree District where overall there had been 251 recorded incidents, 70 arrests and 11 BOBB orders during 2009. With regard to 'Pubwatch', Mr Sparrow explained that there were schemes in Braintree, Halstead and Witham which cumulatively had 50 members. Regular 'Pubwatch' meetings were held, which Neighbourhood Police Officers also attended, and these helped to improve communication and best practice. The BOBB scheme was administered by Pubwatch which meant that anyone served with a BOBB order could be excluded from other licensed premises belonging to that particular Pubwatch.

Questions by Councillors

Members of the Committee asked questions which were responded to by Mr Sparrow as follows:-

Question by Councillor Meyer – How do other licensed premises know if someone has been served with a BOBB order?

Answer by Mr S Sparrow – A Sub-Committee of the Pubwatch decides if a person is to receive a BOBB order and posters identifying that person and the duration of the ban are displayed in the staff rooms of participating Pubwatch licensed premises. The information is not displayed in public areas.

Question by Councillor Swallow – How many Public Houses in the Braintree District are subject to Closure Orders and how does this and the operation of other premises in the District compare to the rest of Essex?

Answer by Mr S Sparrow – Currently, there are no Closure Orders in the District. The Braintree District compares well with the rest of Essex and it is helped by the BOBB scheme. The failure rate for test purchases of alcohol by people underage is 20% which is not the worst for the County.

Question by Councillor Banthorpe – Are the radios purchased with grant funding from Braintree Local Committee effective?

Answer by Mr S Sparrow – These are very useful and are carried, for protection, by street pastors who work very effectively to diffuse difficult situations.

Question by Councillor Elliston – Could a person banned under the BOBB scheme go to another part of the District and how many arrests lead to prosecution?

Answer by Mr S Sparrow – The BOBB scheme relates only to the area covered by a particular Pubwatch and someone banned from that area could go elsewhere. Total exclusion may be granted by a Court Order and any breach of this would be an arrestable offence. There are many arrests which lead to prosecutions particularly if there have been acts of violence.

Question by Councillor Hughes – What aspects of the new licensing legislation have generated the most work and how does it compare to the previous legislation?

Answer by Mr S Sparrow – The new Act sought to streamline the licensing process and to place Britain in line with Europe and its longer trading hours. Under the previous system problems were encountered at Public House closing times at around 11.00pm, but now the problem hot spots are between 12 midnight and 3.00am. However, there has been a slight decrease in law and disorder problems. Licence applications are now far more complex and more onerous to deal with administratively. In particular, the process for dealing with applications for TENs has put increased pressure on administrative staff.

Question by Councillor Mrs Smith – How difficult is it to encourage Public Houses to join their local Pubwatch and is the 'Innkeeper database' accessible by Braintree District Council?

Answer by Mr S Sparrow – Pubwatch has good coverage in Braintree town centre and Public Houses have been willing to join the scheme once they have seen the benefits. The main issues affect town centres and Public Houses in rural areas are less likely to join Pubwatch. The 'Innkeeper database' is not available to Braintree District Council.

Question by Councillor Finbow – Whilst Essex County Council's Children Safeguarding Service has submitted written representations in support of a review of a Premises Licence under the licensing objective of protecting children from harm they have not, to date, appeared at any Hearings. Do the Police represent the County Council's views and would the Police reinforce these if they considered them to be not strong enough?

Answer by Mr S Sparrow – An application by the Police for the review of a licence is served on all responsible authorities which often leads to the County's Council's Children Safeguarding Service submitting written representations in support of the application. However, County Council Officers do not normally attend the subsequent Hearing and, if necessary, the Police would reinforce the comments

submitted.

Question by Councillor Banthorpe – Do Essex Police feel supported by other agencies?

Answer by Mr S Sparrow – This question should be directed to Braintree District Council's relevant Heads of Service. Other authorities are concerned, in the main, with fire safety and child protection matters. More support from Essex County Council Trading Standards would be beneficial.

Question by Councillor Meyer – On a typical weekend how many Police Officers are on duty to deal with incidents, what impact do these Officers have, how effective is Police monitoring of licences and tackling bad behaviour, and how does Braintree District Council's enforcement service rate and is there scope for improvement?

Answer by Mr S Sparrow – The number of Officers on duty within the District at any one time is small and their ability to check licensed premises depends on what else is going on. Much of this work is reactive as Officers also have responsibility for dealing with other situations such as sudden deaths and road traffic accidents. Police action is as effective as resources allow and, based on incident reporting, action is taken appropriately. Also, the Police work with Braintree District Council Licensing Enforcement Officers as it is the Council which is responsible for issuing licences and dealing with any breach of condition. The District Council can be very effective when taking a proactive approach, but its Enforcement Officers require more resources.

Question by Councillor Shelton – For TENs, do the Police inspect the location of the proposed event and what control is there on raves?

Answer by Mr S Sparrow – No, in most cases the Police are aware of the location. If, for example, an application is received for a proposed event with music to be held in a marquee in the garden of a property situated in a sensitive, residential area the Police would advise against it taking place. Most applications are received from the public as opposed to publicans. There are few raves held in the Braintree District, although they can be difficult to police.

Question by Councillor Shelton – Do Neighbourhood Police Officers make regular visits to licensed premises and who is represented on the DARG?

Answer by Mr S Sparrow – Officers do not visit licensed premises as often as would be liked, but Neighbourhood Action Panels are used as an alternative to maintain contact and to report matters. The DARG covers the whole of the Braintree District and its members include representatives of organisations which have an interest in drugs and alcohol issues, such as the NHS and the Probation Service.

Question by Councillor Shelton – How do the Police deal with problems within the Braintree District which are caused by young people from other areas eg. Sudbury in Suffolk and what controls are available to deal with the accessibility of alcohol by the young?

Answer by Mr S Sparrow – Cross-boundary issues are discussed with neighbouring Police authorities. It is difficult to deal with the problem of adults buying alcohol for children, but the Police work with shopkeepers and Essex County Council Trading Standards to prevent underage sales of alcohol. The Police have power to seize alcohol bought in bulk overseas and imported by road.

Question by Councillor Mrs Smith – How are test purchases of alcohol by underage people instigated, who does them, are ad hoc tests carried out by Essex County

Council Trading Standards, are fake identities common and what action is taken if a young person presenting fake identity is sold alcohol?

Answer by Mr S Sparrow – The test purchases are carried out jointly by Essex Police and Essex County Council Trading Standards under a protocol and they are in response to intelligence having been received about people under the legal age being able to purchase alcohol from particular premises. A young volunteer carries out the test purchase under the supervision of a Trading Standards Officer and a Police Officer. If a sale of alcohol takes place and there is an admission of guilt by the shop assistant a £50 fixed penalty notice and fine is issued and a report is submitted to the Police Licensing Unit with a view to an application being made for the review of the Premises/Personal Licence. Trading Standards do not have the resources to carry out a blanket test across the District. Fake identities are found, but the Police do not have the power to confiscate these. If a shop assistant has asked a young person for identity, but fake identity has been produced, the shopkeeper has used due diligence. The Police recommend the use of proof of age cards, or other documents which have holograms as the best forms of identity as these are difficult to forge. However, there is a difference between 'fake' and 'forged' identity and it is known that many young girls, in particular, will use a passport or driving licence belonging to an older sister as a means of identification.

Question by Councillor McArdle – Pubwatch is a good scheme and the work of the street pastors is having an impact, but who should be advised of any intelligence?

Answer by Mr S Sparrow – Any intelligence should be reported to me as the Divisional Licensing Manager. All information is dealt with confidentially and the source of the information is protected.

Question by Councillor Hughes – What percentage of test purchases of alcohol by underage people fail, how often is identity requested, and are premises that pass a test revisited?

Answer by Mr S Sparrow – The failure rate for test purchases in the Braintree District is currently 20%. If a sale of alcohol takes place, the premises will be re-tested at a later date. However, if the premises pass the test it may not be tested again unless intelligence is received which suggests that the sale of alcohol to underage people is taking place. Larger businesses include the sale of alcohol to children as part of their staff training, but smaller businesses may not be as thorough.

Question by Councillor Banthorpe – The Council receives complaints sometimes about unruly events taking place following the grant of a TEN. Although only having a minimum of 48 hours notice to process an application for a TEN do the Police consult with the District Council's Environmental Health Department and, if so, is information provided readily by the Council, or do the Police have to seek information?

Answer by Mr S Sparrow – Information is sought from the Council's Environmental Health Department mainly with respect to noise issues. Information is not always provided, but this does not cause a problem. Applicants are advised robustly if applications are not considered suitable. (The Police may only object to a TEN on the grounds of crime and disorder).

Question by Councillor Banthorpe – Regarding under age drinking, some young people are able to steal alcohol from shops which are poorly laid out and stored alcohol close to the door. In such cases, do the Police advise shopkeepers to move the alcohol elsewhere within the shop?

Answer by Mr S Sparrow – Yes, Crime Prevention Officers provide advice.

Question by Councillor Elliston – If a shopkeeper has successfully passed a test purchase of alcohol by someone underage do the Police inform him?

Answer by Mr S Sparrow – No this is not done, but it is something that Essex County Council Trading Standards should do. A shopkeeper receives a letter in advance advising him that a test purchase is due to take place.

In conclusion, Councillor Banthorpe stated that the meeting had gone very well and he thanked Mr Sparrow for attending and answering Members' questions.

The meeting closed at 8.43pm.

M J BANTHORPE
(Chairman)