



Walsall Council

REPORT OF THE HEAD OF PUBLIC PROTECTION

TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

WEDNESDAY 24TH JANUARY 2007

LICENSING ACT 2003 IMPLEMENTATION IMPACT REVIEW

1. PURPOSE OF REPORT

- 1.1 The Licensing Act 2003 gave Walsall Council responsibility for determining applications in relation to the sale of liquor, the provision of entertainment and the provision of late night refreshment. This function being previously carried out by the magistrate's courts. The Act came into force on 24 November 2005. The Act established a single integrated scheme for licensing premises.
- 1.2 The Act has now been in force for just over one year and we have carried out an initial review of its impact within the borough. A full report will shortly be published however for the information of the committee members the executive summary is reproduced below.

2. RECOMMENDATION

- 2.1 That the findings of the review are noted.
- 2.2 That committee note the intention to hold a joint conference on the 22nd March 2007 in Walsall to which all members of the Licensing and Safety Committee are invited to attend.

3. BACKGROUND

- 3.1 The Licensing Act 2003 has now been in force for just over twelve months. We have the opportunity therefore to review the effect that the new provisions and regime have had in the first year of administration by Walsall Council. It may be too early to draw long term conclusions however it is right and proper that we strive for continuous improvement in all of our services.
- 3.2 Much debate within the media preceded the implementation date of 24th November 2005. This being mainly focussed on proposals for 24 hour drinking made possible by the relaxation of licensing hours. It was however a key part of the Government's strategy for combating alcohol-related crime and disorder and anti-social behaviour by reducing the problems of disorder and disturbance associated with fixed universal closing times. Also to provide greater scope for the development of our culture of live music, dancing and theatre, and create a licensing system that affords a voice to local residents living and businesses operating near premises where licensable activities are carried on.
- 3.3 In essence the Licensing Act 2003 gave the Council responsibility to determine applications in relation to the sale of liquor, the provision of entertainment and the provision of late night refreshment. Conditions can be attached to licenses if considered necessary but only to ensure the promotion of the four licensing objectives, which are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of children from harm

These objectives have to be treated with equal importance.

- 3.4 By 31st March 2006 the Licensing unit had processed 838 premise related applications, 73 club premises certificates, 772 personal licenses and 73 temporary event notices. By the end of June 2006, 39 hearings had been arranged to determine applications where negotiated settlement had failed. In all cases the matters were resolved except for one appeal by the applicant to the magistrate's court which found in the favour of the authority.
- 3.5 The main finding of the review is that the new licensing regime has not delivered the negative effect on drinking that was the centre of much media debate. However, it is also clear that alcohol poses a bigger health problem than people have previously thought. Whilst the Licensing legislation has had a positive impact on controlling sales through pubs and clubs and what we consider as the typical licensed premises, there is a bigger trend towards alcohol to be bought in

shops, and the local licensing controls don't necessarily get at this. It may be that softer approaches through retailer campaigns on safe/unsafe consumption levels will be needed to tackle this trend.

3.6 With the implementation of the new regime on 24th November 2005 disorder in the town centre decreased. This may be due however to a number of contributory factors, including:

- Change in policing style "Fort Alice" – high visibility policing in key areas providing reassurance and diffusing situations.
- Closer links between the door supervisors and police
- Extended drinking hours and staggered premises closing times resulting in easier crowd management and increased availability of taxis.
- Use of scanning devices in key clubs which track the identity of visitors.

Pricing policies of admission and the cost of alcohol probably influence how much people drink more than the extended availability of alcohol. Spending power limits how intoxicated people can get.

3.7 The report contains many detailed recommendations however the substantive recommendation is:

3.8 Section 5 of the 2003 Act requires the publication of the authorities licensing policy every 3 years. This must follow a review and such revision as is considered appropriate. The authority is therefore due to review its current licensing policy and publish its revised one in early 2008. It is recommended that this review be started now so as to take into consideration as wide a consultation as possible. It is recommended that extensive bench marking be carried out with recognised "best in practice" authorities.

3.9 As part of the review of the policy, and to reach as wide an audience as possible, the findings of the impact review together with any other relevant information ought to be made available to the Conference to be held on 22nd March 2007 where all relevant agencies will be invited to discuss the implications of the licensing policy and suggest improvements.

4. CONFERENCE

- 4.1 The key actions agreed from this conference will be taken forward to the Local Neighbourhood Partnerships through a mini presentation, to provide an opportunity for consulting on the local neighbourhood views either via the main Local Neighbourhood Partnership or the Community Action Groups. In this way we can achieve public consultation on any changes we might subsequently wish to make on the Council's Licensing policy. The topic is of relevance to both health, and safer and stronger, Community Action Groups.

5. FINANCIAL IMPLICATIONS.

- 5.1 Within budget.

6. POLICY IMPLICATIONS.

- 6.1 It is the policy of the authority when considering whether any licensing activity should be permitted, to assess the likelihood of it causing unacceptable adverse impact, both in terms of crime and disorder and public nuisance, particularly to local residents. The review will assist members to discharge this duty.

7. LEGAL IMPLICATIONS.

- 7.1 The authority is under a duty to review the licensing policy in 2007 and publish its revised one in early 2008.

8. EQUAL OPPORTUNITIES IMPLICATIONS.

- 8.1 The revised policy will be subject to an Equality Impact Assessment.

9. WARD(S) AFFECTED.

- 9.1 All.

10. CONSULTEES.

- 10.1 Details regarding consultation are outlined within this report.

11. CONTACT OFFICER.

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