

Licensing Committee – 27 November 2012

Minutes of the meeting of the **Licensing Committee** held on **27 November 2012** when there were present:-

Chairman: Cllr Mrs C A Weston
Vice-Chairman: Cllr I H Ward

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|-------------------------|-------------------|
| Cllr Mr R Carter | Cllr M Maddocks |
| Cllr Mrs H L A Glynn | Cllr D Merrick |
| Cllr Mrs D Hoy | Cllr R A Oatham |
| Cllr Mrs G A Lucas-Gill | Cllr D J Sperring |

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs T G Cutmore, Mrs A V Hale, K H Hudson, Mrs J E McPherson and M J Steptoe.

OFFICERS PRESENT

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|---------------|----------------------------------|
| R Evans | - Head of Environmental Services |
| P Nellies | - Senior Licensing Officer |
| S Worthington | - Committee Administrator |

ALSO PRESENT

| | |
|--------------|---------------------|
| Sgt D Barnes | - Essex Police |
| P Stratton | - Trading Standards |
| L Yarnell | - Trading Standards |

244 MINUTES

The Minutes of the meeting held on 2 April 2012 and of the Licensing Sub-Committee held on 28 May 2012 were approved as a correct record and signed by the Chairman.

245 POLICING IN RAYLEIGH HIGH STREET

The Committee welcomed Sgt D Barnes to the meeting. During his presentation on the night-time economy in Rayleigh, the following points were noted:-

- Generally, the Police take the lead on the licensing objective of crime and disorder, however, increasingly, they are also becoming involved with public nuisance and the protection of children from harm.
- It is considered that 40-50% of crime happens within or in the vicinity of licensed premises.
- The Police can call for the Review of a licence for: non-compliance with licensing conditions; poor management; a refusal by the premises to work with the Police or for ignoring or encouraging drug use at the premises.

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- The Police are keen to set up a Pub Watch scheme in Rayleigh, with the support of the local licensees. This will require someone to chair it, one or two volunteer licensees and this will operate a BOBB (behave or be banned) scheme, which could result in offenders being banned from all premises within the committee area, ie, Rayleigh.
- The Police also wish to introduce Town Link Radios for all the pubs and clubs in Rayleigh so that they get information about what is going on around the town. The Pub Watch scheme is a joint working initiative; the chairman of the committee could potentially attend Licensing Committee meetings.
- It could also be useful to introduce a Pub Watch scheme in Rochford.
- CI Cummings is also exploring the possibility of setting up a similar operation within the District as one currently in place in Southend to police the night-time economy.
- The Police are also looking at CCTV in Rayleigh with the intention of ensuring that it is up to date so that everyone is aware that they are on camera.
- The Police are also using iron track machines to establish which premises have drugs problems.
- The Police operate a series of enforced licensing visits to premises to gauge whether any licensing conditions are being breached and have forewarned premises that such visits will take place in the approach to Christmas.
- The Police undertake a series of test purchases, with Trading Standards colleagues.
- The Police are keen to force the introduction of plastic bottles in Rayleigh premises in order to prevent bottling incidents from taking place. If licensees don't respond in a positive manner there is every prospect that they may seek to review licences for the premises concerned.

In response to questions, the following points were noted:-

- If any incidents take place outside the premises, eg, at another licensed premises, the Police would look in detail at the incident and investigate other premises, such as those visited by the victim of an assault in the run-up to the incident earlier in the evening.
- The Neighbourhood Police Officer could liaise with Rayleigh Town Council with respect to monitoring their CCTV.
- There was some uncertainty around policing after March 2013; Sgt Barnes would be in post until then but arrangements after this were not yet known.
- The Police are likely to object to any application for a new premises licence in Rayleigh proposing hours of operation beyond 2.00 am.
- There is not a problem in Rayleigh with under-age entry into night clubs, but there was a problem in Rochford with Baroque; this was, however, addressed by the Police working with Trading Standards. There have, however, been incidences reported of Linx in Rayleigh allowing customers to enter the club after 11pm while heavily intoxicated.

- Drinks are provided in bottles, rather than poured into glasses, as premises found that it was taking too long to open bottles and pour out drinks and it affected profits.

246 TRADING STANDARDS

The Committee welcomed P Stratton and L Yarnell, of Trading Standards, to the meeting. During their presentation on the work of Trading Standards, the following points were noted:-

- Trading Standards followed up on intelligence relating to the sale of age restricted goods, including alcohol, cigarettes, fireworks, etc.
- Trading Standards also works on cases of door stepping, when vulnerable people were targeted by unscrupulous criminals, in order to prevent vulnerable people being taken advantage of.
- Trading Standards also does work in the area of anti-social behaviour.
- In 2004 Trading Standards became involved in monitoring off sales of alcohol. The Police deal with on licence sales of alcohol.
- Drinking by young people is a real problem; there is a local agreement to try and reduce the sale of alcohol to young people.
- In 2005 there was a 35% failure rate among premises with respect to under age sales of alcohol; in 2008 this had gone down to less than 12%, as a result of a large volume of test purchasing that took place.
- It was necessary to try and build up local partnerships again between Trading Standards, the Police and Local Councils in order to improve the flow of intelligence.
- Safer Essex Board helped to fund the Challenge 25 scheme, which has been delivered across the county with strong support from the trade.
- Anyone wishing to purchase alcohol who appeared to be under 25 should be asked by premises staff to produce valid identification, eg, driving licences or passports, anything with a hologram that provides proof of age.
- Trading Standards visited 100% of licensed premises in Rochford introducing the Challenge 25 scheme; 82% of premises signed up to the scheme.
- When the scheme was introduced Trading Standards conducted some random 18+ test purchasing; 14% of premises failed. Trading Standards carried out some follow-up visits to those premises that failed this test purchasing to give additional advice and support, particularly around judging customers' ages.
- Under 18 test purchasing was then conducted; out of 9 tests there were only 2 under age sales. No tests have been conducted in Rochford to date using 15/16 year olds, as there is no intelligence to suggest that this is an issue. Any intelligence should be communicated to Trading Standards at intelligence@essex.gov.uk.
- Trading Standards will always work in partnership with the Police with respect to on sales of alcohol. There is currently a problem in Market Square, Rochford with proxy sales. A recent incident during which

Trading Standards witnessed the sale of alcohol to a youngster in Rochford is now being dealt with by the Police.

- Trading Standards delivers training events for local businesses and provides support and advice to them.

In response to questions, the following points were noted:-

- Petrol filling stations were visited as part of the Challenge 25 test purchasing exercise.
- The Designated Premises Supervisor does not have to be present at a licensed premises at the point of sale; the Police are working hard to ensure that licence holders can be held accountable for any under age sales.
- Trading Standards have worked with Braintree District Council to develop a 'Report It' page on their website; it would be possible to work with Rochford District Council to develop something similar.
- Trading Standards will liaise with Rayleigh Town Council on the possibility of using the 'community stall' at the Rayleigh market to provide advice to residents on criminal door steppers.
- When a longstanding, dedicated Police licensing officer was moved from post this had an impact on communication with Trading Standards and Local Councils; work has taken place by Sgt Barnes to re-build this relationship and to work with the Police Community Support Officers ensuring that they share relevant information with Trading Standards.
- There is a central loan sharking unit based in Birmingham, which brings officers into areas when a problem has been identified by Trading Standards.

247 EARLY MORNING ALCOHOL RESTRICTION ORDERS AND LATE NIGHT LEVY

The Committee considered the report of the Head of Environmental Services providing an update in relation to changes to the Licensing Act 2003, specifically relating to Early Morning Alcohol Restriction Orders and the Late Night Levy.

Responding to a Member enquiry relating to paragraph 3.16 of the report, officers advised that it was difficult to gauge potential costs associated with the introduction of a levy but these would be included in any report that sought to introduce the adoptive provisions.

Resolved

- (1) That the changes to the Licensing Act 2003 brought about by the Police Reform and Social Responsibility Act 2011 in the form of the adoptive powers to implement Early Morning Alcohol Restriction Orders and the Late Night Levy be noted.

- (2) That a further report be submitted to the Licensing Committee should a credible case for either an Early Morning Alcohol Restriction Order or Late Night Levy be put forward by the Police. (HES)

248 CONSULTATION ON DRAFT STATEMENT OF LICENSING POLICY – GAMBLING ACT 2005

The Committee considered the report of the Head of Environmental Services detailing the response to consultation on the Council's draft Statement of Licensing Policy - Gambling Act 2005 that was carried out between 1 July 2012 and 30 September 2012.

It was noted that no responses had been received to the consultation, although the Salvation Army had responded previously.

In response to a Member question relating to paragraph 2.54 of the draft statement officers confirmed that there was a fixed fee for the provision of a copy of the Licensing Register.

Recommended to Council

- (1) That Council passes a 'no casino' resolution and that this be inserted into the Statement of Licensing Policy - Gambling Act 2005.
- (2) That Council approves and adopts the amended Statement of Licensing Policy Gambling Act 2005 that will be applied in exercising functions under the Gambling Act 2005 for the three-year period commencing on 3 January 2013. (HES)

The meeting commenced at 10.52 am and closed at 12.06 pm.

Chairman

Date

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