



**LICENSING COMMITTEE
TUESDAY, 10TH JULY 2007 AT 5.00PM
IN COMMITTEE ROOM 3, SOUTHFIELDS, LOUGHBOROUGH**

To: Councillors Astill, Bava, Brown (Vice-chair), Capleton, Duffy, Gay, Green,
K. Jones, S. Jones, Jukes, Pacey (Chair), Popley, Radford,
Sutherland (Vice-chair) and Wise

All other members of the Council
(for information)

AGENDA

1. APOLOGIES
2. MINUTES

The Committee is asked to confirm as a correct record the minutes of the meeting held on 5th June 2007, which are enclosed with this agenda for members of the Committee.

3. DISCLOSURES OF PERSONAL INTERESTS

A. FUNCTIONS UNDER THE LICENSING ACT 2003

4. LICENSING ACT 2003 – COMPLAINTS AND ENFORCEMENT – WORKING WITH THE POLICE

At its meeting on 16th October 2006, the Committee considered the Council's position in dealing with complaints and enforcement issues under the Licensing Act 2003 and the need to improve the working relationship with the Police in that respect, with representatives of Leicestershire Police attending the meeting to assist the Committee. An extract from the minutes of that meeting outlining the Committee's discussions is attached at page 3 for information.

Prior to the meeting of the Committee on 5th June 2007, the Deputy Director of Partnerships and Customer Services outlined briefly the role and past work of the Committee as many members were new to the Council following the local elections on 3rd May 2007. The Committee considered that it would be useful to follow up

the previous discussions referred to above. Therefore, representatives of the Police have been invited to attend this meeting and have confirmed their attendance to assist the Committee's further consideration and follow up of this matter.

B. OTHER LICENSING MATTERS

None.

Future Meetings

Meetings of the Committee have been scheduled in every meeting cycle for 2007/08 to ensure that sufficient meetings are programmed, particularly in view of the new requirements in respect of gambling that will be coming into effect. The scheduled meetings will be cancelled if not needed, in a similar fashion to Regulatory Committee. All meetings are on a Tuesday and will commence at 5.00pm. The remaining meetings in 2007/08 are as follows:

18th September 2007, 23rd October 2007, 27th November 2007, 29th January 2008 and 11th March 2008.

ITEM 4 REFERS

Extract from minutes of Licensing Committee – 16th October 2007

“8. LICENSING ACT 2003 – COMPLAINTS AND ENFORCEMENT – WORKING WITH THE POLICE

Prior to the meeting of the Committee on 11th September 2006, the Deputy Director of Partnerships and Customer Services had outlined briefly to members of the Committee the Council’s position in dealing with complaints and enforcement issues under the Licensing Act 2003 and the need to improve the working relationship with the Police in that respect.

It had been agreed that the matter required formal consideration at this additional meeting of the Committee. A briefing note from the Deputy Director of Partnerships and Customer Services was submitted to assist the Committee’s consideration of the issues involved. Those largely related to the sharing of information and whether calls made to the Police were being recorded. In particular, the Council could not seek to review a licence if it was not aware of problems relating to it.

Inspector M. Cuddihy, Inspector C. Allcott, Inspector I. Bayliss and Police Sergeant M. Parish of Leicestershire Police attended the meeting to assist the Committee’s consideration of the matter, together with the Council’s Deputy Director of Partnerships and Customer Services and the Licensing Enforcement Officer.

The following issues were raised and comments made by members of the Committee:

- (i) Evidence of problems relating to a licence needed to be formally recorded if a review of a licence was to be sought. Anecdotal evidence was not sufficient.
- (ii) A practical means of the Police recording complaints made to them regarding individual premises was needed. It was of concern that important calls were not being recorded.
- (iii) Using the 101 number referred to in (c) below would only be of use if incidents reported on it were recorded, even if the issue concerned was not a Police matter. Otherwise, the required evidence would not be available to the Council. It was understood that use of the number during the pilot scheme had been limited, although use was likely to increase as the public became more aware of the service.
- (iv) Members of the public often did not know what organisation to contact when they experienced problems with licensed premises. Providing information in that respect, perhaps in leaflet form, could be useful. That could include reference to the SNEN number referred to in (c) below, Beat Officers and Council contacts.

- (v) The Police had indicated a wish to work with the Council in respect of licensing matters. However, that joint working did not always occur. Reference was made to problems relating to an off-licence in a particular ward in Loughborough. Although the Beat Officer concerned had been very active in respect of the matter, a request for a review had not been made by the Police, despite the significant anti-social behaviour issues relating to the premises concerned and available evidence to that effect. Local residents could reasonably expect action to have been taken.
- (vi) The Council had the authority to suspend a licence through review if requested to do so, even while a matter was being considered by the Courts, as referred to in (i) below. That would prevent any under-age drinking that was occurring in the meantime. It was considered that sufficient evidence existed to support a review without that which would be provided by a successful conviction. The Council would not suspend a licence and, therefore, a livelihood unless it was content that the evidence was there to justify such action.
- (vii) Reference was made to a public house in Quorn where customers had been allowed on a particular occasion to drink outside on the public highway. The Police had allowed that to continue on passing that occurrence. It was understood that issues relating to public order and obstruction of the highway were Police matters.
- (viii) Whether it would be possible to set up an automatic system of reporting between the Police and the Council as licensing authority should be considered, whereby every time the Police or the Council were called to or visited licensed premises that information was shared. The Council wished to be as proactive in respect of licensing enforcement and to assist the Police in respect of associated problems wherever possible.
- (ix) Reference was made to a further off-licence in Loughborough where regular and organised theft of significant amounts of alcohol occurred, with the consumption of that alcohol having an effect on the community in the same way as if it had been sold to under-age drinkers when it was not reported and dealt with. It seemed that larger chains of off-licences were sometimes prepared to accept such losses.
- (x) Reference was made to Beat Officers, the role of those officers and the hours they worked. Those officers could only deal with incidents, including in relation to licensed premises, if they were working when the incidents occurred. Reference was made to a particular case where an officer had been absent from work due to sickness and had not been replaced for a significant period of time.
- (xi) Reference was made to members of the Committee having recently accompanied Licensing Enforcement Officers in visiting premises during the evening. That had been of interest and illustrated to councillors some of the problems which existed and were dealt with. It would be helpful if

the Police and the Council could work together more effectively in that respect.

- (xii) Police resources were limited and it would be useful to know what the Council could reasonably expect from the Police with that position in mind, particularly on busier evenings at the weekend.
- (xiii) It was important to include the Trading Standards section at Leicestershire County Council in the improved information sharing and recording which the Committee was seeking to achieve. It was important that neither that service, the Police nor the Council as licensing authority were acting independently of each other when joint working might be more beneficial.
- (xiv) Reference was made to Police Officers accompanying Licensing Officers on visits to identified premises. That occurred every three months.
- (xv) It was important to bear in mind that the operators of some off-licences might feel threatened or unsafe in ensuring that licence conditions were adhered to, for example in respect of selling to under-age customers. It would be useful to know whether the Council offered assistance or advice in that respect.

In response to issues raised, comments made and questions, officers and the representatives of Leicestershire Police stated:

- (a) Information was provided on the realignment of local policing units in Charnwood which would take place from January 2007.
- (b) Police operators were correctly informing callers that complaints relating to noise from licensed premises were a matter for the Council rather than the Police. Complaints relating to noise were not usually recorded. Incidents at licensed premises which were Police matters, such as under-age drinking, late serving or fights, were recorded.
- (c) Reference was made to the forthcoming pilot in February 2007 of a single non-emergency number (SNEN) for telephoning the Police (101). That might provide a facility by which complaints relating to licensed premises which were not Police matters could be recorded for sharing with the Council. It was understood that the purpose of the number was to enable members of the public to report matters affecting their quality of life, with those matters being passed to the agencies that dealt with them where appropriate.
- (d) The Police were keen to work with the Council to resolve problems relating to licensed premises, particularly as such premises could impact so significantly on problems such as anti-social behaviour and under-age drinking.
- (e) The Council had a telephone number which could be used to report problems relating to licensed premises. Out of hours, calls to that number were

recorded. Messages were left on that number and often referred to having called the Police and being advised to contact the Council.

- (f) Sharing of information between the Council and the Police was vital if problems relating to licensed premises were to be dealt with. Reference was made to local residents providing the Council with information on Police visits to premises. The Police did not currently make such information available to the Council.
- (g) Reference was made to the use of Beat Officers as a point of contact, although it was recognised that they were not on duty at all times.
- (h) The SNEN initiative was a national one. It was understood that that would involve a publicity campaign.
- (i) In response to (v) above, the matter was currently being dealt with by the Courts. Once a verdict had been reached in that process, a review would be considered, if sufficient evidence was available. It had been considered appropriate to await the outcome of the Court case as a conviction in that respect would assist a review case.
- (j) The occurrence referred to in (vii) above was a Police matter and it was reasonable to have expected the Police to deal with it.
- (k) The suggestion made in (viii) above was a significant request and would need to be considered as an issue by Leicestershire Police as a whole.
- (l) In response to (ix) above, the Police were active in respect of the premises concerned in respect of the under-reporting of theft. Some of that theft was the subject to anti-social behaviour measures.
- (m) In response to (x) above, further information was provided in respect of the period of absence concerned and the arrangements that had been in place in that respect. The Beat Officer being referred to was now back at work and carrying out all duties in respect of the post.
- (n) Policing was largely reactive on busier evenings at the weekend because of the limited resource available. However, it should be possible to improve the position in respect of the sharing of information, perhaps through Licensing Sergeants from the two local policing units in Charnwood meeting with the Council's Licensing Officers every two months.
- (o) The Deputy Director of Partnerships and Customer Services would note the point made in (xiii) above. It was the case that working between the Council and Trading Standards could be improved.
- (p) In response to (xv) above, details of a recent event held for operators of off-licences were outlined. Attendance at that had been disappointing. There was also a leaflet available in that respect. Providing such assistance was an ongoing process.

RESOLVED

1. that the representatives of Leicestershire Police be thanked for attending the meeting and taking part in the discussion on the matter;
2. that the Deputy Director of Partnerships and Customer Services be asked to make arrangements for the first meeting between Police Licensing Sergeants and the Council's Licensing Officers, as suggested in (n) above, as soon as possible, with that meeting also to include the Chair and Vice-chairs of this Committee and a representative of the Council's Environmental Health Service;
3. that arrangements be made for a representative(s) of Leicestershire County Council Trading Standards to attend a meeting of the Committee to discuss how working between that service and the Borough Council as licensing authority might be improved in respect of licensing enforcement, with the appropriate Cabinet Lead Member also being invited to attend that meeting;
4. that, as the next scheduled meeting of the Committee will not be held until 5th March 2007, an additional meeting of the Committee be arranged as soon as possible for the purpose outlined in resolution 3. above."