

A meeting of the **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 18 JUNE 2008 ON THE RISING OF THE LICENSING AND PROTECTION PANEL MEETING** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting of the Committee held on 14th May 2008.

**Mrs A Jerrom
388009**

2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 overleaf.

3. APPOINTMENT OF SUB-COMMITTEE MEMBER

To appoint a Sub-Committee Member to replace Councillor J Fell.

4. LICENSING ACT 2003 - DELEGATIONS (Pages 3 - 4)

To receive a report by the Head of Administration on the Licensing Act 2003 – Delegations.

**R Reeves
388003**

5. GAMBLING ACT 2005 - DELEGATIONS (Pages 5 - 6)

To receive a report by the Head of Administration on the Gambling Act 2005 – Delegations.

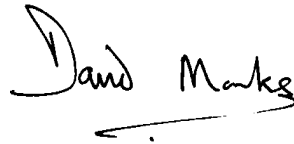
**R Reeves
388003**

6. EVALUATION OF THE IMPACT OF THE LICENSING ACT 2003
(Pages 7 - 14)

To receive a report by the Head of Administration on the Evaluation of the Impact of the Licensing Act 2003.

**R Reeves
388003**

Dated this 11 day of June 2008



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Mrs Amanda Jerrom, Democratic Services Officer, Tel No 01480 388009/e-mail: Amanda.Jerrom@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website –
www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports
or would like a large text version or an audio version
please contact the Democratic Services Manager and
we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the car park adjacent to the Methodist Church on the High Street (opposite Prima's Italian Restaurant).

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Agenda Item 1

0HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 14 May 2008.

PRESENT: Councillors J T Bell, J J Dutton, A Hansard, R Powell, J M Sadler, T D Sanderson and J S Watt.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors K M Baker, R W J Eaton, R S Farrer and I R Muir.

01. ELECTION OF CHAIRMAN

RESOLVED

that Councillor J M Sadler be elected Chairman of the Panel For the ensuing Municipal Year.

Councillor J M Sadler in the Chair.

02. MINUTES

The Minutes of the meeting of the Panel held on 11th February 2008 were approved as a correct record and signed by the Chairman.

03. MEMBERS' INTERESTS

No declarations were received.

04. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor J T Bell be appointed Vice-Chairman of the Panel for the ensuing Municipal Year.

05. APPOINTMENT OF SUB-COMMITTEES

The Committee agreed that its Membership should be divided into three groups, from which the Director of Central Services, after consultation with the Chairman, is authorised to convene Sub-Committee hearings comprising three Members, therefore it was

RESOLVED

that the Committee establish three groups from which

Members would be appointed.

RESOLVED

- Group (1) i. Councillors Sadler, Baker and Farrer;
 - ii. Councillors Sadler, Baker and Watt;
 - iii. Councillors Sadler, Farrer and Watt;
 - iv. Councillors Baker, Farrer and Watt.

- Group (2) i. Councillors Bell, Dutton and Fell;
 - ii. Councillors Bell, Dutton and Powell;
 - iii. Councillors Bell, Fell and Powell;
 - iv. Councillors Dutton, Fell and Powell.

- Group (3) i. Councillors Muir, Eaton and Hansard;
 - ii. Councillors Muir, Eaton and Sanderson;
 - iii. Councillors Muir, Hansard and Sanderson;
 - iv. Councillors Eaton, Hansard and Sanderson.

Chairman

Licensing Committee

18th June 2008

LICENSING ACT 2003 – DELEGATIONS

(Report by Head of Administration)

1. Introduction

- 1.1 Arising from a report elsewhere on the agenda dealing with a formal delegation to officers to make representations under the Gambling Act 2005, it is considered prudent similarly to formalise the arrangements for delegations under the Licensing Act 2003.

2. Delegations

- 2.1 The Licensing Act 2003 defines the Council as a responsible body as both the local planning authority and the environmental health authority (the authority with the statutory function of minimising the risk of pollution of the environment or of harm to human health). In practice, representations have been made by both the Head of Planning Services and the Head of Environmental Health Services since the introduction of the Act. No challenge has made by an applicant to date in the absence of formal authorisations but this is no guarantee that such a challenge may not be made in the future

3. Conclusion and Recommendations

- 3.1 For the avoidance of doubt, it would be preferable for the Committee to authorise officers to act as the respective responsible authority and it is therefore

RECOMMENDED

- (a) that the Head of Planning Services be authorised to act on behalf of the local planning authority under section 13(4)(d) of the Licensing Act 2003; and
- (b) that the Head of Environmental and Community Health Services be authorised to act on behalf of the environmental health authority under section 13(4)(e) of the Licensing Act 2003.

Contact Officer

Roy Reeves, Head of Administration
Tel: (01480) 388003

Background Papers

Licensing Act 2003

GAMBLING ACT 2005 – DELEGATIONS

(Report by Head of Administration)

1. Introduction

- 1.1 At its meeting held on 13th June 2007, the Committee approved a schedule of delegations to officers to enable them to implement and administer the provisions of the Gambling Act 2005. Two further delegations are now thought to be necessary for the avoidance of doubt.

2. Delegations

- 2.1 Unlike the Licensing Act 2003, the Gambling Act defines the licensing authority as a responsible authority which enables the authority to submit representations in its own right when an application for a premises licence is submitted. The schedule of delegations referred to above omits to authorise an officer to make representations on the authority's behalf. In practice, those representations will need to be made by the Licensing Manager, the Head of Administration needing to remain impartial to advise Licensing Sub Committees at hearings when representations are being considered.
- 2.2 In addition, the Council is defined as a responsible authority for the purposes of the Act in terms of its role in minimising the risk of pollution to the environment or of harm to human health. The schedule of delegations also omits to authorise an officer to act on behalf of the Council as the environmental health authority which should be the Head of Environmental and Community Health Services.

3. Conclusion and Recommendations

- 3.1 To avoid the potential risk of challenge by Solicitors acting on behalf of applicants for licences, it would be advisable to formalise the present arrangements for the submission of representations under the gambling legislation and it is therefore

RECOMMENDED

- (a) that the Licensing Manager be authorised to act on behalf of the licensing authority under section 157(a) of the Gambling Act 2005; and
- (b) that the Head of Environmental and Community Health Services be authorised to act on behalf of the environmental health authority under section 157(g) of the Gambling Act 2005.

Contact Officer:

Roy Reeves, Head of Administration
Tel: (01480) 388003

Background Papers:

Gambling Act 2005

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Evaluation of the Impact of the Licensing Act 2003

(Report by Head of Administration)

1. Introduction

- 1.1 The Government undertook to review the implementation and impact of the Licensing Act 2003 after it came fully into force in November 2005. A programme of projects has been undertaken and a report published by the Department for Culture, Media and Sport that pulls together the overall findings from those projects.

2. The Evaluation Report

- 2.1 The report can be found in full at http://www.culture.gov.uk/reference_library/publications/3574.aspx. The elements of the evaluation programme were –

- Home Office evaluation of the impact on levels of crime and disorder
- Scrutiny Councils Initiative summarising the views of 10 local authorities on the Act
- Review of the Secretary of State's statutory guidance
- DCMS simplification plan including better regulation proposals
- Independent Fees Panel report on the licensing fee structure and licence fee levels
- Live Music Forum report on the impact of the Act on live music
- Live Music Research into the level of live music before and after the Act and the experience of small venues
- National Statistics licensing data bulletin on the number of licences issued, reviews undertaken and other information for 2006/07
- Work undertaken by CGA Strategy Ltd showing changes in actual closing times

The summary of findings and the key conclusions are attached as an appendix to this report.

3. Conclusion

- 3.1 Despite the concerns in some quarters prior to the Act and the transfer of licensing responsibilities from licensing justices to local authorities, the review has found that the Act has not led to widespread problems. The main conclusion is that the freedoms introduced by the Act are being used well but that the powers to tackle problems are not sufficiently well known and being taken advantage of.
- 3.2 This reflects the situation locally where the implementation and administration of the Act and its provisions has operated smoothly, despite the somewhat last minute issue of many of the required regulations. Isolated problems with specific premises are known to exist but reviews have been rare and

interested parties have been reluctant to trigger reviews of licences and certificates.

4. Recommendation

4.1 It is therefore

Recommended

That the report and evaluation exercise published by DCMS be noted.

Contact:

Roy Reeves - Head of Administration
Tel: 388003

Background Papers:

Evaluation of the Impact of the Licensing Act 2003 and attachments published by DCMS dated March 2008.

SUMMARY OF FINDINGS

This first review of the Licensing Act reveals a mixed picture.

Its introduction has not led to the widespread problems some feared. Overall, crime and alcohol consumption are down. But alcohol-related violence has increased in the early hours of the morning and some communities have seen a rise in disorder.

Our main conclusion is that people are using the freedoms but people are not sufficiently using the considerable powers granted by the Act to tackle problems, and that there is a need to rebalance action towards enforcement and crack down on irresponsible behaviour.

There is clear evidence from a number of evaluation projects and official statistics that the negative forecasts about the impact of the new legislation have not materialised:

- There is no evidence of 24 hour drinking, with only a minority of premises securing 24 hour licences and very few actually utilising those hours. There have been only limited changes to actual opening hours.
- The overall volume of incidents of crime and disorder has remained stable and not risen.
- There is no evidence of increases in overall alcohol consumption.
- There has been no serious adverse impact on the provision of live music.

A number of positive trends have emerged from the introduction of the new regime:

- Transfer of alcohol licensing to local authorities is viewed as a success.
- The alcohol licensing system is more democratically accountable and residents are better able to influence licensing decisions.
- There is much better partnership working between local authorities, the police and other responsible authorities and licensees.
- The new powers, including the ability to review licences, have been welcomed by local authorities and the police, and are being used to good effect.
- The administrative arrangements for the new regime appear to have delivered the administration cost savings to businesses, third sector and other licence holders of around £99m a year.

There are, however, some aspects that require further attention:

- While some areas report improvements in dispersal from licensed premises because flexible opening hours have helped to smooth the peaks of trouble, there is no clear picture of consistent improvements in all areas.
- While there has been a small fall in serious violent crimes, the impact on overall crime levels appears to be limited, with evidence of some displacement into the small hours.
- The use of the new legislation, in conjunction with other interventions and as part of a coherent strategy, may vary between different authorities and areas.
- There has yet to be a discernible change in the diversity of evening and late night venues, although there is some evidence of good practice and success in certain areas.
- While benefits in terms of bureaucracy and red tape have been delivered, some stakeholders are experiencing difficulties, which suggest that the regime could be more proportionate in its application.
- While the impact on live music has been broadly neutral, reform has not led to the increases in events hoped for by Ministers, and the regime may be disproportionate for some types of live music events and other types of events.

The 2003 Licensing Act was a significant change in the way a number of activities were licensed and involved nearly 400 licensing authorities, 200,000 licence holders, responsible authorities and local people in every part of England and Wales. In general, the new licensing system appears to be functioning smoothly and has delivered a number of positive outcomes.

'Whilst acknowledging that it is probably still too early to draw any firm conclusions about the new regime, the feedback we have received from stakeholders that have engaged with us throughout the review process – both local government and fee payers – has been generally positive about the intent of the Act. It seems to us that new licensing systems are working now that they are starting to settle down.'

Report of the Independent Fees Panel, December 2006³

³ http://www.culture.gov.uk/Reference_library/Publications/archive_2007/final_ifrp_report.htm

KEY CONCLUSIONS

The Licensing Act could be used more effectively in some areas, in conjunction with other interventions, as part of a coherent and effective local strategy.

The National Audit Office report, *The Home Office: Reducing the risk of violent crime*⁴ recommended:

'To improve the effectiveness of violence reduction at a local level the Home Office should:

Work with the Department for Culture, Media and Sport to raise awareness amongst Partnerships and the police about how the Licensing Act has been used successfully in some areas to reduce alcohol related violence and ensure that all areas are using the Act to its maximum potential to reduce the risk of violent crime.'

Several studies concluded that the impact of licensing cannot be considered independently of other factors. A report for the Alcohol Education and Research Council (AERC) published⁵ in January 2008 found that:

"Assessing the impact of the Licensing Act 2003 will require time. Furthermore, in the light of other interventions – such as the development of local alcohol policies and strategies and encouragement to mount partnership, multi-agency responses to prevention and harm reduction – it is unlikely that change can be attributed to any one kind of intervention."

Future monitoring should therefore focus on the effectiveness of national and local alcohol strategies, as well as the impact of late night drinking patterns on crime and disorder.

This suggests identifying and disseminating best practice, and that the Government should help partners understand how to use the Act to its maximum potential to tackle alcohol related problems (e.g. tough conditions which can be applied to retailers who are selling irresponsibly).

This effort will be assisted by the new Beacon Council⁶ theme 'Afterdark', to be launched on 4 March 2008 which will identify good practice in the development of a thriving, diverse, accessible and safe night time economy. Programmes such as the roll out of Best Bar None⁷ and the Civic Trust's purple flag initiative⁸ will also be important in the context of encouraging and disseminating best practice and celebrating success.

⁴ http://www.nao.org.uk/publications/nao_reports/07-08/0708241.pdf

⁵ [Implementation of the Licensing Act 2003: A national survey - http://www.aerc.org.uk/documents/pdf/finalReports/054_LARG_Survey.pdf](http://www.aerc.org.uk/documents/pdf/finalReports/054_LARG_Survey.pdf)

⁶ www.idea.beacons.gov.uk

⁷ <http://www.crimereduction.homeoffice.gov.uk/drugsalcohol/drugsalcohol092.htm>

⁸ <http://www.civictrust.org.uk/evening/index.shtml>

It is recognised that a strength of the new system is the ability of enforcement agencies to resolve issues without the need to go to a formal review. While this is an efficient and effective way to deal with many licensed premises, the number of licence reviews seems disproportionately low compared with, for example, the number of test purchase failures. There may be more scope to encourage further use of the review powers.

The statutory Guidance⁹ produced under section 182 of the Act was revised in 2007 and the changes have been generally well received. No significant issues were raised by stakeholders. However, the emerging message from various projects suggest there is scope for better use and understanding of the legislation and how it can be used to promote the licensing objectives. This may not require significant change to the statutory guidance, but may instead take the form of guidance to enforcement authorities that, in due course, could be drawn together as a supplement to the guidance. Work will also need to be undertaken with Local Authority Coordinators of Regulatory Services (LACORS) and other partners to ensure responsible authorities understand the requirements of the Act. There may also be a need to revise and update guidance to applicants and residents and ensure that the courts are aware of the options available when convicting personal licence holders.

In addition, the DCMS simplification plan¹⁰ has identified the need to make the licensing regime more flexible where there are no threats to the licensing objectives and to look at ways of adjusting the regime to remove unnecessary red tape. The aim is to promote better regulation by making the licensing process easier for low risk activities. This, in turn, will leave resources available to focus on higher risk applications as well as aiming to reduce paperwork for applicants, licensing authorities and responsible authorities, such as the police (for example by making it easier to make electronic applications).

Immediate actions

As a result of this evaluation and other evidence, the Government has agreed a number of immediate actions:

To make it easier to review premises where local intelligence suggests there is a problem;

To encourage the imposition of tougher sanctions on those found to be breaching their licensing conditions;

To change the offence of “persistently selling alcohol to a person under 18” from ‘three strikes’ to ‘two strikes’ in three months;

⁹

http://www.culture.gov.uk/Reference_library/Publications/archive_2007/guidancesection182_licact03june07.htm

¹⁰ http://www.culture.gov.uk/Reference_library/Publications/archive_2007/dcmssp2007.htm

To support the police and local authorities to identify problem hotspots by ranking geographical areas and concentrations of premises on the basis of the risks they present to crime and disorder, public nuisance and children; and

To introduce a new “yellow card and red card” alert system. A yellow card will put the problem premises on immediate probation together with tough and uncompromising sanctions and a red card will lead to withdrawal of the licence.

In addition, the Home Office will bring forward legislation to:

- Increase the maximum fine for anyone not obeying an instruction to stop drinking, or to give up their drink in a designated public place from £500 to £2,500;
- Make it easier for the police to disperse anti-social drinkers;
- Extend the use of Acceptable Behaviour Contracts for young people caught drinking in public; and
- Extending the alcohol arrest referral pilots so that under 18s may also benefit from a brief intervention from a trained worker.

Conclusion

The report published today should not be the end of the monitoring and evaluation of the impact of the 2003 Act. The report published today is not the end of the story. We shall use it better to focus our scrutiny. For example, we shall we will undertake further comprehensive research into post-midnight drinking patterns and their impact on crime and order; and we shall carefully measure progress on tackling sales to minors and the protection of children from harm. Measures to toughen enforcement of the Act are only part of the Government’s comprehensive strategy for combating the problems associated with alcohol. Licensing law will therefore remain an important part of the Government’s National Alcohol Strategy which addresses, among other things, the need for cultural change, improved social responsibility among retailers and the need for earlier interventions with problem and harmful drinkers.

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