

LICENSING AND SAFETY COMMITTEE

21 NOVEMBER 2012

LICENSING ACT 2003

POLICE REPORT ON LICENSING MATTERS

Report from: Angela Drum - Head of Legal Services
Author: Alison Poulson - Licensing and Local Land Charges Manager

Summary

The purpose of this report is to present the Medway Police report on licensing matters to the Licensing and Safety Committee and for Members to ask the police representative questions and make comments.

1. Budget and Policy Framework

1.1 The Council's Statement of Licensing Policy in respect of its functions under the Licensing Act 2003, asks that the Police present an annual report on licensing matters to Councillors.

2. Background

2.1 The Council's Licensing Team works closely in partnership with Medway Police to deliver the statutory requirements of the Licensing Act 2003 and other licensing legislation.

2.2 As a responsible authority under the Licensing Act 2003, the Police comment on all applications for premises licences and where appropriate make representations. If these representations are unresolved, the Police present their objections to a Licensing Hearing Panel. The Police may also object to personal licence (authorisation to sell alcohol) applications and temporary event notices, where they consider the crime prevention objective within the Licensing Act would be undermined if the licence were to be granted.

2.3 The Council has established protocols with the Police on licensing compliance and enforcement issues. These provide for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated. All licence holders are expected to co-operate in order to promote the licensing objectives. Evidence of non-co-operation may be considered sufficient grounds for review, suspension or revocation of any licence.

2.4 A copy of the police report is attached at **Appendix A** for Members' consideration.

3. Risk Management

3.1 It is important that the Licensing and Safety Committee is kept fully informed of issues relating to the police in respect of licensing matters.

4. Financial and legal implications

4.1 There are no direct financial implications arising from this report.

4.2 The Council has produced its Statement of Licensing Policy as required by the Licensing Act 2003 that requests that the Police report on licensing matters to the Council.

5. Recommendations

5.1 That the Police report at Appendix A is considered by the committee and Members are invited to comment where appropriate.

Lead officer contact

Alison Poulson, Licensing and Local Land Charges Manager
Telephone No: 01634 332774 Email alison.poulson@medway.gov.uk

Background papers

None.

Kent Police In Medway

Licensing Report 2011 -
2012



'Promoting Safer Socialising'



**Kent
Police**

2012

Licensing Report to Licensing and Safety Committee **For Year 2011 – 2012**

The Police Licensing function during the reporting period sat within the Community Safety Unit at Medway Police Station. Chief Inspector Mark Arnold is responsible for the Community Safety Unit and Inspector Joy Dean manages the Licensing Team on a daily basis through Sergeant Mark Carron. The Licensing team consists of two officers.

Kent Police like many public services have undergone and continue to undergo restructuring. On the 6th November 2012 the Licensing Team moved from the Community Safety Unit to the Tasking and Co-ordination Unit. Superintendent Chapman is the new head of department, Inspector Amanda Tillotson now manages the Licensing Team through Sergeant Emma Satherley. The Licensing Team has been enhanced with an additional Police Officer and a member of Police Staff.

This licensing team now has responsibility for North Division which includes Swale, Medway, Gravesham and Dartford. Their area starts on the boarder of Kent with the Metropolitan Police and travels south past Faversham to the boarders of Whitstable and includes the Isle of Sheppey.

Licensed Premises

There are currently 732 licensed premises and 2,333 personal licence holders within Medway. Within North Division there are approximately 2,100 licensed premises that the police licensing team are responsible for.

Overview

During the reporting period the general conduct of licensed premises in Medway has been good. This is due to the continuing efforts of the Licensing team who have striven to build and maintain relationships with licensees, tenants and holding companies based on openness, confidence and trust.

The current economic climate continues to impact on the maintenance and continuity of these relationships due to the continued high turnover of tenants predominantly within holding and property companies.

Those premises that come to police notice for failing to promote the licensing objectives are dealt with robustly. Through intervention ranging from verbal warnings through to full reviews and prosecution.

Kent Police in Medway figures show that in the rolling year to November 2012:

- All crime has fallen by 7.7% (766 less offences)
- Violent crime has increased by 8.2% (172 more offences)
- Serious violent crime has fallen by 2.4% (8 less offences)
- Criminal damage has fallen by 18.0% (354 less offences)
- ASB has fallen by 11.4% (4808 less incidents)

Data source from Kent Police Central Analytical Team

Administration of Licensed Premises

The activities of Licensed Premises in Medway are monitored proactively and reactively daily. The Licensing team review Kent Police Information systems at the beginning of each day to identify any issues or emerging trends that threaten to undermine the four licensing objectives and are a threat to our performance. This process also enables us to identify issues that partners have primacy for and share this intelligence, facilitating early intervention and a partnership approach to Licensing in Medway.

When the primacy falls to Kent Police the intervention is timely and appropriate. It is achieved by either one or a combination of Police functions, Ward Neighbourhood Police Officer, Divisional Support Unit or Police Licensing team or a combination. During the period under review the level of intervention has ranged from informal warnings through to Reviews and Judicial disposal.

Current Licenses, New Applications and variations are reviewed by the Licensing Team. Effective engagement with the Premises License Holder or Applicant ensures that any conditions are proportionate and appropriate.

Anti Social Behaviour

A high percentage of calls to police in respect of Anti Social Behaviour relate to behaviour are aggravated by alcohol. This is more prevalent during night time economy and can be attributed to the areas of the

Medway Towns where there are a high concentration of licensed premises.

Kent Police in Medway continue to deploy resources into the key town centres during key dates in the calendar year such as the summer period, Halloween/Bonfire night and the festive periods. These officers will conduct high visibility foot patrolling of the High Street areas on Thursday, Friday and Saturday nights during which they engage with door supervisors, Medway Street Pastors and patrons of the night time economy.

The perception of drunk/rowdy behaviour in Medway by residents who were surveyed by Kent Police, i.e. residents who consider drunk/rowdy behaviour to be a very or fairly big problem in the area) has decreased from 17.5% in 2010 to 11.6% as of September 2012 (381 people surveyed).

Data source from Kent Police central analytical team

Safer Medway Partnership

The Safer Medway Partnership, which is a business partnership, plays a key part within the day time and night time economy of Medway. Sergeant Mark Carron sits on the board as an advisory member to give advice and supply information. This partnership is key to tackling violent crime and anti-social behaviour within licensed premises across the Medway Towns. There are approximately 200 members who are linked to Medway Council CCTV office by radios, and have access to a website to monitor and share intelligence.

Police Operations

Operation Albatross

The operation has two main aims, the first being to disrupt the supply and use of illegal drugs within licensed premises and the second is to ensure that designated premises supervisors and staff are promoting the licensing objectives. This is achieved by deploying uniformed and non-uniformed police officers into licensed premises to secure best evidence and gain intelligence. The operation is supported by the use of two passive drugs dogs.

From October 2010 until October 2012 there have been eleven operations run and the results are as follows:

- 111 licensed premises visited
- 38 persons arrested
- 85 drug seizures
- 252 persons searched under the misuse of drugs act
- 5 section 27 issued (direction to leave the area)
- 10 persons received Cannabis Street cautions
- 2 drug intervention support program (DISP) referrals made
- 1 penalty notices for disorder issued
- 10 warnings given to licensed premises for breach of licensing conditions
- 1415 persons tested on the ION track machine.
- 62 intelligence reports submitted.

Operation Maximise

This briefing is prepared by police licensing and delivered by the Rochester Town Centre police officer and is for door supervisors of licensed premises, the Medway Street Pastors and Medway Council CCTV. The briefing takes place every Friday at three locations, The George Vaults at 20:00, Casino Night Club at 21:00 and Krystals Nightclub and Vanity Bar at 21:30 hours. The aim is to share intelligence, build partnership relations and give updates on arrests, bail conditions and persons of note to ensure a holistic approach to reducing crime and anti-social behaviour.

Operation Farmer

This was a Police led multi agency operation that sought to identify and deal with licensed premises who are selling fraudulent or duty-evaded alcohol/tobacco.

During this operation 1,145 litres of alcohol were seized that accounted for in excess of £4,600 of evaded duty. Kent Police in Medway also support partner agencies such as Operation Night Owl and Operation Unite, which are proactive licensing visits and enforcement.

The SOS Bus

The SOS Bus (multi agency project) is no longer operating due to lack of Funding.

Medway Street Pastors

Kent Police in Medway work with and support the Medway Street Pastors who are based at the Vines Church, Rochester. They engage with the community to offer support and help where required.

A Street Pastor is defined as a Church leader/minister or member with a concern for society - in particular young people who feel themselves to be excluded and marginalised - and who is willing to engage people where they are, in terms of their thinking (i.e. their perspective of life) and location (i.e. where they hang out - be it on the streets, in the pubs and clubs or at parties etc). Medway Street Pastors are aiming to expand to other key night time economy locations such as Gillingham Town Centre.

Temporary Event Notices (TENS)

Whilst the administration of TEN's is primarily the function of the Licensing Authority, Kent Police review and risk assess every application in relation to its potential to impact on our core business. The amended Licensing Act has introduced Late TEN's, which represent a potential for greater risk to our business but a risk that is yet to be realised. The introduction of the other three licensing objectives as grounds is welcomed, as is the addition of two new responsible authorities.

Impact of Longer Licensing Hours

Kent Police in Medway has seen an impact on policing since the introduction of the Licensing Act 2003 (became operational in 2005) in relation to opening hours and the sale of alcohol due to having to respond to incidents at licensed premises later into the night.

Smoking Laws

Since the legislation in regards to the smoking ban introduced on 1st July 2007, there has been a rise in calls relating to noise and anti social behaviour due to customers congregating in outside areas and at the front of licensed premises. Licensed premises have tried to address this problem through a variation, however many cannot explore this due to planning constraints. Kent Police continue to receive large numbers of calls from the community regarding noise complaints, informants are asked to notify the local authority who lead on this area of business.

Gambling Act

Kent Police in Medway continue to work closely with the Gambling Commission, partner agencies and betting shops within Medway to utilise the act accordingly to ensure that premises are target hardened to ensure that opportunities for crime are reduced.

Threats

The current recession continues to impact on the night time economy as well as licensed premises in general. These pressures coupled with fixed overheads from Breweries and Property owners may lead to short cuts to maximise profit at the expense of safety, for example a reduction in SIA door staff could be considered.

The continued threat to licensing from a policing perspective is anti-social behaviour and violence where alcohol is an aggravating factor. The driver for this problem is not solely the premise but the individual's propensity to "Pre load" on alcohol bought cheaply at supermarkets.

Drinks promotions are still a part of the legislation that requires clarification from the Home Office when balancing, for example a nightclub against a supermarket. The prices being charged for alcohol play a major part in pre loading which in turn causes responsible retailers a problem in dealing with drunken people within their premises and then the fall out from the behaviour and perception attributed to this premise. Drinks promotions are closely monitored and challenged where appropriate to ensure that crime does not rise.

As expected the comprehensive spending review saw a significant reduction in Kent Polices budget. As a result of this Kent Police restructured and changed the way it delivered its daily business. There are further financial reductions planned for 2013.

Conclusion

Effective partnership working remains pivotal in achieving good management of those businesses and individuals who operate within the Licensing Act 2003.

Engagement with the licensing trade and the community is a key element of proactive and focused activity to ensure that Medway remains a safe place to live and socialise.

Kent Police in Medway will continue to work towards a reduction in crime and anti social behaviour; this will include tackling anti social behaviour within wards the town centres with dedicated policing teams for the High Streets.