



## **Report to Licensing and Regulatory Affairs Committee**

Date: **19 March 2013**

Report of: **Director of Regulatory and Democratic Services**

Subject: **LICENSED PREMISES AND COMMUNITY SAFETY**

### **SUMMARY**

This report highlights the work that is being undertaken by the Council as the licensing authority and the police as one of the responsible authorities in managing and addressing issues that relate to crime and disorder that could be associated with licensed premises. The report highlights the range of interventions and actions that can be taken and how this has been effective in addressing any issues that arise. This is reflected in a general trend of a reduction in the incidents associated with licensed premises. There is also clearly a link between the work undertaken by the Council's Licensing and Regulatory Affairs Committee, its Licensing Panels and the work of the Fareham Community Safety Partnership which has enabled the development of good working practices which is reflected in the way that problems associated with licensed premises are dealt with.

### **RECOMMENDATION**

Members are requested to note the report and to identify how they would like similar information presented in the future.

## INTRODUCTION

1. The Licensing Act 2003 (LA2003) came into force in 2005 and transferred decision making in licensing matters from the magistrates to local District/Borough Councils, thus bringing licensing matters under local democratic control.
2. Fareham Borough Council is the Licensing Authority pursuant to the Licensing Act 2003 and is responsible for considering all applications for licensable activities, as defined in section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events.

Licensable activities, identified by the Act, include:

- Retail sale of alcohol
  - Supply of hot food or drink from premises between 2300 and 0500 hours
  - Supply of alcohol to club members
  - Provision of entertainment listed below (known as "regulated entertainment") to the public or club members or with a view to profit:
    - Film exhibitions
    - Performances of a play
    - Indoor sporting events
    - Boxing or wrestling entertainment
    - Live music performances
    - Playing of recorded music
    - Dance performances
    - Provision of facilities for making music
    - Provision of facilities for dancing.
3. The Act has four main objectives:
    - the protection of children from harm
    - the avoidance of nuisance
    - ensuring public safety
    - preventing crime and disorder.
  4. These objectives are secured initially through the application process which involves statutory consultation with the 'responsible authorities' (RAs). These are:
    - police
    - local fire and rescue
    - primary care trust (PCT) or local health board (LHB)
    - the relevant licensing authority
    - local enforcement agency for the Health and Safety at Work etc Act 1974
    - environmental health authority
    - planning authority
    - body responsible for the protection of children from harm
    - local trading standards
    - any other licensing authority in whose area part of the premises is situated.

5. RAs can object to the application for a licence or seek through the licensing authority, or by negotiation with the applicant, to have conditions attached to the licence – but objections or the application of conditions must relate to the licensing objectives.
6. In the event that there is an objection from a RA (or member of the public affected by the application) or the application of conditions cannot be agreed with the applicant, then the matter is considered by elected Members at a Licensing Panel Hearing.
7. In considering an application, Members have regard to the local 'Statement of Licensing Policy' which is a requirement under the Act. The policy reflects local circumstances and endeavours to factor them into the decision making process.
8. There is a requirement to review the policy at least every three years and it was last reviewed and approved by full Council in January 2011. The Policy has since been updated in March 2012 to incorporate changes introduced by the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012.
9. The Licensing Policy is available on the Council's website [http://www.fareham.gov.uk/pdf/licencing\\_and\\_inspections/licpol5.pdf](http://www.fareham.gov.uk/pdf/licencing_and_inspections/licpol5.pdf) and sets out the approach of the Council in dealing with licence applications and the basis of decisions. The policy sets out how the Council will control the sale of alcohol and regulated entertainment within the borough.
10. Following the grant of a licence, adherence to conditions is the responsibility of the licence holder and the Designed Premises Supervisor (DPS). However, the 'responsible authorities' have an important monitoring and enforcement role. This is usually achieved by a combination of proactive visits (often carried out jointly) and reactive visits responding to complaints, for example, of noise. In addition to warnings (and ultimately prosecution) for breaches of conditions, the RA's can formally seek a review of the licence by the Licensing Authority, in which case it is reconsidered by a Licensing Panel and it could, as a result, be modified, suspended or revoked.

### **Licensed Premises and Associated Crime and Disorder**

11. The Council as Licensing Authority has a major role to play in controlling and responding to issues relating to the sale of alcohol and regulated entertainment and any associated crime and disorder. There is also a clear link between the Licensing and Regulatory Affairs Committee, its Licensing Panels and partners of the Community Safety Partnership, in particular the police in the control and enforcement of conditions on premises that sell alcohol within the borough.
12. At the meeting of the Licensing and Regulatory Affairs Committee on 20 November 2012, Members requested that an item be added to the Committee's work programme to enable it to receive an annual report on any incidents at licensed premises relating to crime and disorder and the four licensing objectives.
13. Officers have been looking at how this information can be presented to the Committee and this report sets out some of the information that could be contained within future reports for consideration. However, as part of this report, it is also considered appropriate to set out the range of interventions that are available to the Council and

the Police to specifically address issues relating to crime and disorder that may be associated with licensed premises.

14. In controlling Licensed Premises the Council as the Licensing Authority will consider any representations received from responsible authorities including the public and, as such, the application for a licence could be referred to the Licensing Panel for consideration. Equally there may be a request for a review of an existing premises licence if the licensing objectives are not being complied with and again this would be considered by the Licensing Panel.
15. In considering an application or a review, based upon the information that is presented and considered and taking into account the Licensing Objectives and the Council's Licensing Policy, the Panel could grant, vary, refuse or revoke a licence. As importantly, it can also attach conditions to the licence to address the areas of concern that have been raised in order to meet the licensing objectives.
16. The Licensing Authority may not impose any conditions unless it is satisfied following a hearing it is appropriate to impose conditions to promote one or more of the four licensing objectives.
17. The LA2003 requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

### **Personal Licences**

18. A Personal Licence holder is an individual who can work at licensed premises and is able, as the Designated Premises Supervisor (previously known as the licensee), to authorise the supply of alcohol at that premises. They are able to move from one premises to another, with greater flexibility. There can be more than one Personal Licence holder at licensed premises but only one Designated Premises Supervisor(DPS) is permitted at a time.
19. The Personal Licence relates only to the supply of alcohol under a Premises Licence. An individual will not require a Personal Licence for the other licensable activities, the provision of regulated entertainment or late night refreshment, or for the supply of alcohol under a Club Premises Certificate or Temporary Event Notice (although Personal Licence holders will be able to give 50 Temporary Event Notices each year instead of the limit of 5 for non-Personal Licence holders).
20. A Personal Licence does not authorise its holder to supply alcohol anywhere, but only from establishments with a Premises Licence authorising the supply of alcohol in accordance with the Premises Licence. Personal Licences are valid for ten years, and may be used at any licensed premises in England and Wales.
21. To obtain a Personal Licence, the applicant must be 18 years or over, possess an accredited qualification and obtain a basic CRB check. The application is only forwarded to the Licensing Police Officer if there are relevant unspent convictions.

These could result in the applicant having to attend a Licensing Panel. Once cleared, the applicant receives their Licence and a photo ID badge; they can then apply to Licensed Premises to work or become the DPS.

22. The Licensing Act 2003 provides the police and licensing authorities with powers to deal with personal licence holders who have a relevant conviction that would undermine the crime prevention objective.
23. A Personal License is issued by the local authority where the Personal License holder lives, not necessarily works. There are currently 1033 personal licences registered with Fareham Borough Council.

### **Temporary Event Notices**

24. A Temporary Event Notice (TEN) is a permit which allows the carrying on of licensable activities including the supply of alcohol by a person or group without the need for a Personal Licence holder to act as the Designated Premises Supervisor. The purpose of the TEN is to permit temporary, relatively small-scale events at which 500 or less people are likely to attend.
25. The event must not last for more than 168 hours and can be held indoors or outdoors. Any premises can only be used for 12 temporary events per calendar year for up to a total maximum of 21 days. The applicant must be 18 years or over to hold a temporary event. If you are a Personal Licence holder you can give up to 50 TENs.
26. A standard TEN must be made at least 10 working days before the date of the event. A late TEN must not be made before 9 and not later than 5 working days before the event. There must be at least 24 hours between temporary events organised by the same person or an associate in relation to the same premises.
27. Since the rebalancing of the Licensing Act in 2012, Environmental Health Officers as well as the Police are now consulted on any TEN applications received.
28. 452 Temporary Event Notice applications were made to Fareham Borough Council during the period January 2011 to December 2012.

### **Licensing Panel Hearings**

29. When an application or a variation for a Premises Licence is received and where representations are received from the responsible authorities, as with Review Hearings, the matter is dealt with by the Licensing Panel.
30. The Licensing Panel hearings that have been held since March 2007 are detailed in Appendix A. This gives Members an overview of the number of hearings that have been held, the nature of the hearing and the issues that were addressed and the decisions that have been made.
31. The Council holds a Licensing Register that details all the premises in the borough that hold a premises licence, what the licence covers in terms of alcohol and regulated entertainment and late night refreshments as well as all the conditions attached to the licence. The register can be accessed through the Council's website.

[http://www.fareham.gov.uk/internetlookups/search.asp?list=OCELLA\\_LicensingAct2003\\_Register](http://www.fareham.gov.uk/internetlookups/search.asp?list=OCELLA_LicensingAct2003_Register)

### Mapping incidents of crime and disorder and licensed premises

32. An exercise has been undertaken to map the distribution of **all** reported incidents of crime and disorder during the periods of 23:00 hours to 03:59 hours over the last three years and to see how this relates to the location of licensed premises. The basis of selecting these hours was that these relate to the period considered to reflect the Night Time Economy (NTE). The same exercise was also undertaken to map incidents that were **specifically** associated or linked to licensed premises.
33. The categories of reported incidents that have been used related to:
  - Anti- Social Behaviour ( street drinking, rowdy and inconsiderate behaviour)
  - Criminal Damage
  - Violence against a person
  - The issue of a section 27 Direction Order (A direction that requires a person to leave a locality and prohibits their return up to 48 Hours).
34. All licensed premises have been mapped on GIS and these have then been overlaid with information relating to all reported incidents within the area as a whole. This was then repeated but where the incidents were specifically associated with licensed premises. This process and the mapping of incidents will be further explained by officers at the meeting.
35. Table 1 in Appendix B provides details of the total number of **all** reported incidents between the hours of 23:00 to 03:59 hours in Fareham for the period 1 January to 31 December over the last three years. Table 2 shows the same information but only includes those incidents that were **specifically** related to licensed premises.
36. As the classification for ASB changed in 2011 it is difficult to provide a direct comparison but overall the numbers are relatively low and in general there has been a year on year decrease in the incidents of ASB and violence against a person. There has been an increase in criminal damage. However, when this is considered in the context of only those incidents that have specifically been linked with licensed premises (Table 2) this shows a reduction on the previous year's reported figures.
37. The numbers reflected in table 1 for ALL reported incidents reflect an overall reduction in ASB and violence against a person but an increase in criminal damage.
38. Where these incidents can be specifically related to licensed premises as highlighted in table 2, it shows an even greater reduction and it also highlights a falling trend over the last 3 years. This information is useful as it can also identify specific licensed premises that will then receive visits from both the Police and the Council in terms of how they manage their premises. This could result in, if necessary, voluntary additional controls being agreed or a review of the licence being made.
39. The relatively low levels of incidents associated with the NTE shows that both the Police and the Council are being effective in terms of how they work together in controlling licensed premises and associated crime within a neighbourhood. The Police and the Council have a range of actions that they can take proactively to address issues but,

equally, all responsible authorities and the public can request a review of the licence as highlighted earlier if they consider the premises are failing to meet any of the licensing objectives.

40. The reduction in the number of incidents of crime associated with the NTE is also reflected in an overall reduction of all reported crimes throughout the borough.
41. Table 3 in Appendix B shows the number of section 27 Dispersal Orders that have been issued. Section 27 Dispersal Orders are a tool to target and assist with reductions in NTE incidents. It could be considered that the issue of each Section 27 Dispersal Order contributes to 2 less incidents of either ASB or Violent crime, as the perpetrator leaves the location immediately and is not allowed to return for a period of up to 48 hours. As a result of the Section 27 issue, the unacceptable behaviour is interrupted and therefore can be considered to be a significant contributory factor to the recorded reduction of NTE occurrences and incidents in Fareham. As can be seen this is an effective tool that is used by the Police to deal with and diffuse incidents.

### **Community Tasking and Co-ordinating Group (CTCG)**

42. The Community Tasking and Co-ordinating Group (CTCG), which has representatives from many of the Community Safety Partnership organisations, meets on a fortnightly basis at Fareham Police Station. This group identifies the issues and `hot spots`, analysing crime statistics, mapping incidents and tasking resources and agencies to co-ordinate their actions to address the problems. The fact that the group meets on a fortnightly basis provides the momentum and continuity in ensuring these actions are progressed, monitored and delivered.
43. The purpose of the Community Tasking and Coordinating Group is to bring together a number of key agencies in order to co-ordinate joint activity to reduce crime, disorder and anti-social behaviour across the Borough of Fareham. The Council's Licensing Officer attends these meetings and as such if there are any issues associated with any licensed premises the matter can be highlighted and escalated. From the information and issues that are discussed actions, tasks, resources and priorities are allocated and monitored to address issues of crime, disorder and anti-social behaviour that may be associated with licensed premises or the supply and consumption of alcohol.

### **CCTV**

44. CCTV (closed-circuit television) plays a significant role in reducing crime and disorder and increasing community safety and public reassurance, as well as assisting the police in investigating crime. It is of great value and assistance to the Police in the management of the night time economy, especially in the town and some of the district centres.

### **Police and Council intervention at licensed premises in the Borough of Fareham - 2012**

45. Police intervention at licensed premises will occur on several levels and will be both proactive and reactive.
46. The aim is to educate and work with licensed premises before a problem arises and also to identify any emerging patterns of violence, crime and disorder and then to seek to

address the issue progressively. If the issue cannot be resolved and persists, the option to 'review' the premises licence will be considered. This will however be a last resort and it is always unfortunate to need to move to this level of intervention.

47. This part of the report highlights specific examples of 'intervention' by both the Police and the Council; however, it is important to acknowledge all the proactive work that is undertaken to keep alcohol fuelled violent crime and disorder associated with licensed premises at a minimum.
48. The general approach is to work with licensed premises to promote good working practices and relationships and to this effect both the Police and the Council undertake joint as well as routine visits to licensed premises to ensure standards and conditions are being maintained. Where complaints are received or concerns raised these proactive visits turn into more responsive visits to deal with specific issues.

### **General intervention measures in place**

#### **All new Designated Premises Supervisors (DPS) receive a visit by Police licensing**

49. This meeting welcomes them to the area, outlines the local customer base, talks through and interprets all licence conditions and also outlines Police expectations of the DPS. Whilst this is more interaction than intervention, it helps establish a point of contact and seeks to improve the chances of the premises running smoothly with incident due to good in-house management.
50. Regular meetings with town centre licensed premises. As Fareham town centre is the primary hot spot for incidents associated with licensed premises there is a need to have regular meeting with the managers of the pubs. Both the Council's Licensing and the Police Licensing Officer attend these meetings. It is an informal meeting where any issues relating to the previous months are highlighted and suggestions on how improvements can be made or joint work on initiatives undertaken.

#### **Police uniformed visits to licensed premises**

51. The Police Licensing Officer and the Town Centre Safer Neighbourhood team conduct regular visits to all town licensed premises every week on all weekend evenings (Thurs – Sat). By making an early evening visit and speaking to duty managers - informing them that visits will be made throughout the evening to check for drunk or disorderly people, helps to ensure that managers do this job themselves. The importance of early intervention is stressed. These visits ensure that the DPS makes staff and security aware of the Police 'walk throughs', which in turn helps them improve their own standards.
52. It is also important that pubs are not seen as 'no go' locations for Police. Customers can be intrigued by the visits but are simply advised that the purpose is to ensure that there is no one inside who is likely to spoil their evening. The visits are not oppressive and show good communication between staff and Police, which helps to support a safer environment.



### **Police uniformed and non-uniformed visits to licensed premises in the rest of Fareham borough**

53. Random and targeted visits are conducted at licensed premises throughout the borough. Police licensing will conduct both and will also task the weekend shift Police (TPT – Targeted Patrol Team) to visit premises where there is an identifiable issue.
54. Licensing will briefly advise, through a tasking document, the premises that require visits, the information and the specific request. This is then fed back to licensing, who can assess the progress and progress any observations – negative or positive. The process of using Targeted Patrol Teams (TPT) for targeted visits allows more intensive observations where there is concern over drunkenness or incidents of disorder. The increased Police attention alone will often solve a problem.

### **Pubwatch**

55. Police licensing attend monthly Pubwatch committee meetings and facilitate all aspects of the process. Police licensing conduct research prior to the meetings for persons to be considered for bans and research for persons due to be taken off the ban list. Disclosure forms are completed by Police licensing who are also responsible for providing photos of banned persons and sending out letters to banned persons. There is an information sharing agreement between Fareham Pubwatch and Fareham Police. Pubwatch is also a means of communication between premises, the Police and Council and helps build a good working relationship. A Pubwatch radio is also monitored within the CCTV Control Room so that if incidents arise they can be monitored and Police kept informed of movements.
56. There are members' meetings every 6 months where Police and Council licensing will attend and update the members on new local processes and changing legislation. The majority of members' interaction is on-line via the Pubwatch website.

### **Police Licensing attending Targeted Patrol Team (TPT) briefings**

57. Police licensing attend weekly Police shift parades. This provides face to face interaction with officers regarding licensed premises that need intervention or attention. This keeps officers focused on 'licensing matters' and helps keep them forwarding intelligence to licensing. This can be as simple as 'saw a drunk male leaving a certain pub'. All of the small pieces of information, intelligence and evidence help build a better picture.

### **Licensing follow up enquiries**

58. Every incident that is linked to or associated with a licensed premises is followed up by Police licensing. This will invariably involve a visit to the premises to discuss the licensing issue regarding the incident. This helps ensure that the DPS is fully aware of the concern. Suggestions are made to help resolve the issue at this stage to avoid a pattern emerging. Often a premises manager will suggest that the incident is a 'one off', therefore not something to be concerned about. It is always stressed that whilst this may be an infrequent event, it is important to assess if there are any factors that need to be changed to ensure that the type of incident does not continue.

### **Police covert operations**

59. In 2012 Police conducted 5 covert operations at Fareham licensed premises to attempt to identify premises who serve alcohol to drunken customers. The aim is simply to promote higher standards by staff. Police licensing inform the licensed premises prior to the operations (the specific nights are not given) to give them the best possible chance of success. This helps show that we are not simply seeking to issue fixed penalty tickets. We want premises to pass the tests. The benefit of this process is that the premises that are not tested become aware of the possibility and hopefully 'up their game' too. In addition, following the test, premises are advised of the general assessment. This helps maintain resonance of the operations. The tests are generally conducted following intelligence of evidence of drunkenness or disorder at a premises.

### **Police condition of entry drug testing operations**

60. The Police conducted several 'condition of entry' operations at licensed premises in Fareham in 2012. These operations are conducted with the permission of the premises and help show a positive working relationship between the Police and the premises. The joint message is that drugs will not be tolerated in Fareham. The operations have been positively received by the vast majority of customers. If a person entering the premises provides a significantly high reading from their hands that is hard to explain away, they are subjected to a search in a private location. A recent operation in December 2012 identified several people who produced high readings. Drugs were located or admissions were made to having just taken drugs.

### **Juvenile Test Purchase Operations**

61. These are joint operations between the Police and the Council. The object is to test that premises staff challenge persons that look under age. Most premises have at least a 'challenge 21' policy in place so none should fail. Premises that do fail are subject to follow up intervention to ensure that new and sufficient measures are in place so all staff are fully aware of their responsibilities. More often than not failures reveal poor management processes and a lack of staff training or in-house system to prevent failures. The premises licence and in-house systems are given a thorough overhaul. Checks are made in relation to staff training, staff refresher training and in-house processes to check for age.
62. During intervention premises are encouraged to adopt a strict policy of staff training and refresher training with all training documented and available for inspection by Police and Council officers. Till prompt systems requiring the staff member to stop and think about the age, then input an estimated age are good tools. Management are encouraged to conduct dip sampling of this by checking CCTV to ensure that ages input correspond to the visual age of the customer. Staff should be made aware of this checking system to motivate them to concentrate during sales of alcohol.
63. In addition to the intervention with the premises management, which is the primary objective to resolve on-going issues, the staff member that served alcohol to children receives a fixed penalty ticket for £80.
64. The Police concentrate tests towards 'on licence' premises (pubs) and only conduct tests at a limited number of 'off licence' premises. This is because Trading Standards are the

lead agency for 'off licence' premises and actively test these premises. The Police provide any intelligence regarding under age sales to Trading Standards to assist their testing. All failures are re-tested at the next test.

65. The low percentage of failures at re-tests suggests that the intervention measures following a failure do have an impact and do result in reducing the likelihood of the premises serving alcohol to children.
66. The Police after a second failure can and do interview the DPS at the Police station. The premises can be issued a Police closure notice (of alcohol sales) for 48 hours as an option to prosecution (under Sect 23 & 24 of the Violent Crime Reduction Act 2006) and the premises licence reviewed with conditions added by the Licensing Panel.

### **Patterns of incidents**

67. When a pattern of incidents begins to emerge at, or be associated with, a licensed premises, Police licensing will work closely with the premises management and area management if required. Proportionate measures to address the issue will be suggested and documented. If the issue is not resolved Police licensing will seek to identify the reason for this. The intervention will be stepped up and increasing pressure put on the premises management to address the concerns. When the problem is on-going, either due to a lack of compliance or a problem that cannot be addressed, the Police will seek to resolve the matter by a review of the premises licence.

### **Work and liaison with HMS Collingwood**

68. HMS Collingwood is one of the largest naval bases in the country and, in addition to naval staff, provides accommodation and training to students from external organisations. Network Rail and EDF have approximately 400 students living and sleeping at the base. These are primarily males aged 17-21 years old with this being their first time away from home. Any such number of young males, who go out in groups, can present challenges to the local Police.
69. Police licensing provide induction speeches to all students. This welcomes them to the area and gives them an introduction of what to expect from the local Police and licensed premises. The aim is to ensure that they do not get involved in trouble and are safe in Fareham.
70. Police licensing ensure that key dates are known such as evenings before a term finishes, in order to adequately provide Police resource and inform the local pubs. The relationship with HMS Collingwood has progressed significantly and joint patrols are now conducted in the town centre which helps send out the message that the Police and Navy are working together and will not tolerate poor behaviour.

### **The use of Police 'direction to leave' notices**

71. These notices (often referred to as section 27s) are a very useful tool for Police. They involve very little paperwork and allow the Police to direct a person who is in drink and at risk of disorder, to leave an area for a period of time. This allows Police to identify potentially problematic people early on and remove them before they become involved in violence or disorder.

## **Designated Public Places Order DPPO**

72. The Criminal Justice and Police Act 2001 contains provisions specifically designed to address the problems of alcohol related disorder. Sections 12-16 of the Act allow local authorities to adopt powers to designate areas which have known nuisance, annoyance to the public, or disorder associated with the consumption of alcohol. In a designated area it is an offence for any person to drink alcohol after being required by a police officer not to do so. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession. It is an arrestable offence to fail, without a reasonable excuse, to comply with the police officer's request. This power is known as a Designated Public Place Order (DPPO) and the whole of Fareham borough is a DPPO.
73. The police continue to conduct Operation Vaughan - which concentrates police activity in reported hot spots for alcohol related Anti-Social Behaviour. ACSOs are also able to confiscate alcohol during patrols. The Police have decided this year to incorporate enforcement of the DPPO into their day to day duties and not allocate additional resources.
74. Hampshire Constabulary, along with Fareham Borough Council, also delivers the Alcohol Licensing Evaluation Scheme (ALES). The ALES Scheme is an awards scheme for pubs and clubs.
75. Premises are able to receive recognition for being safe and well managed throughout the year; the Scheme operates by measuring the numbers and type of incidents and complaints received by the various Authorities throughout the year and rating premises accordingly. Those who perform well are awarded a Safer Venue Certificate endorsed by both the Police and the Council. This has become an annual event and is currently included in Hampshire's Alcohol Strategy after its initial success.

## **Taxi Marshalls**

76. In Fareham a Taxi Marshal scheme operates on Thursday evenings between 10pm and 2am. The scheme uses two SIA trained security staff. The staff wear hi-vis fluorescent jackets and each has a radio which has direct links to all venues in the town centre, police and CCTV control room. Fareham's Taxi Marshal scheme has reduced incidents of violence in the Town Centre and provides public reassurance to users of the Night Time Economy in Fareham.
77. The Fareham Taxi Marshal Scheme:
  - Provides a safe waiting area until a taxi arrives for people using the facilities late at night
  - Reduces the risk of disorder
  - Enhances security for taxi drivers
  - Promotes proactive partnership working between licensed premises, the Council, Police, security staff and taxi drivers
  - Helps disperse people from the town centre quickly and safely.

## **RISK ASSESSMENT**

78. There are no significant risk considerations in relation to this report

## **CONCLUSION**

79. This report highlights the work that is being undertaken by the Council as the licensing authority and the police in managing and addressing issues that relate to crime and disorder that could be associated with licensed premises. The report puts into context the general trend of a reduction in the main types of incidents associated with licensed premises.
80. It is clear that the close working arrangements that are in place between the Council, the Police and the other responsible authorities including the Community Safety Partners are effective in both proactively ensuring that licensed premises are managed and operated so as not to cause problems but, where problems and incidents do arise, that these are dealt with in a robust and effective manner.

### **Background Papers:**

None.

### **Reference Papers:**

None.

### **Enquiries:**

For further information on this report please contact Garry White (extn. 4395).

### **APPENDIX A - List of Panel Hearings**

### **APPENDIX B - Reported Incidents of Crime and Disorder**

**LICENSING PANEL DETAILS FOR LICENSING ACT 2003 FROM JANUARY 2007 TO JANUARY 2013**

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
<b>2007</b>				
7 March 2007	Somersfield Stores, Highlands Road Service Station 165 Highlands Road, Fareham	New Premises Licence	Representation from Police re youths gathering causing damage and public disorder	Licence Granted with Mandatory Conditions plus attached Conditions and an addition Condition
29 October 2007	One Stop Convenience Store, Crofton Lane	Review	Review raised by Police on the grounds of crime and disorder and protection of children from harm	The Panel resolved to impose an additional 5 conditions plus suspension of the premises licence for a period of two weeks.
12 November 2007	Portsdown Inn, Leith Avenue Portchester	Review	Review raised by Police in relation to under age sales and purchases, three test purchases failed	The Panel resolved to impose an additional 9 conditions on the premises licence.
<b>2008</b>				
11 January 2008	Prague Junction Station Approach Fareham	Variation of Premises Licence	Representations from Police all four licensing objectives, public disorder,	Adjourned to 14.2.2008
14 February 2008  <b>RESUMED MEETING</b>	Prague Junction	Variation of Premises Licence	Assaults and general anti social behaviour. Environmental Health, Crime and Public Safety. Resident, Crime, Public Nuisance, Children, use of the premises not suitable type of entertainment Proposed.	Adjourned to 14.3.2008

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
15 February 2008	139, West Street, Fareham (kebab shop)	Variation of Premises Licence	Representation from public regarding increased hours applied for, not suitable for the area.	Adjourned to 13.3.2008
14 March 2008 <b>RESUMED MEETING</b>	Kebab shop 139, West Street, Fareham	Variation of Premises Licence	As above	Application withdrawn
14 March 2008 <b>RESUMED MEETING</b>	Prague Junction Station Approach Fareham	Variation of Premises Licence	As above	Application withdrawn
27 March 2008	Brass Monkey West Street Fareham	Review of Premises Licence	Review requested by Police for a catalogue of problems under all four licensing objectives over an extended period of time.	Suspension of the Premises Licence for one week-end commencing at 1200 on Friday until 0600 hours the following Monday. Reduction of the Licensing Hours for a period of three months. The Panel attached a further 11 conditions on the licence to promote the Licensing Objectives
15 May 2008	JD's, 127, Highlands Rd	New Premises Licence	Representations from Police and local residents regarding anti-social behaviour in the area and the number of licensed premises in the area.	Application granted with the hours amended for licensable activities to 0700 to 2100 hours plus 8 additional conditions on the licence to promote the Licensing Objectives.

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
12 September 2008	Edwins High Street Fareham	Variation of Premises Licence	Representations from Police, E. H. Pollution and local residents regarding loud music and other noise nuisance at the premises	Variation granted with an additional 14 conditions added to promote the Licensing objectives
17 October 2008	Solent Breezes Holiday Club Chilling Lane Warsash	Variation of Premises Licence	Objection to noise representations from residents to application to extend hours at premises	Variation granted subject to an additional 6 conditions to promote the Licensing Objectives
11 November 2008	Pizza Takeaway 218, Gudge Heath Lane	New Application	Representations from local residents regarding hours proposed at the premises.	The panel resolved to grant the premises licence but with reduced hours for both Late Night Refreshment and the hours of opening were also reduced
5 December 2008	Personal Licence	New Application	Police made representations on the grounds of relevant offences on CRB check	The panel decided on the evidence provided to reject the application
<b>2009</b>				
27 February 2009	The Crown (JD Wetherspoons) West Street Fareham	Variation of Premises Licence	Representation from Police requiring additional conditions including door supervisors to deal with being a feeder premises to others in the area.	The Resolve of the Licensing Panel was to Grant a modified licence subject to 24 proposed and imposed conditions.
26 March 2009	Apollo Cinema Vannes Parade Fareham	Variation of Premises Licence	Representation from Police re Crime and Public Safety due to exodus of numbers from all premises in West Street at same time.	The Licensing Panel granted an amended licence with reduced hours to promote the licensing objectives.



DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
10 June 2009	Tony's Kebabs Quay Street Fareham	Variation of Premises Licence	Police made representation to application for increased hours this being likely to encourage the public to stay around the area and cause problems.	Application refused due to non compliance with the four licensing objectives.
29 July 2009	The Heathfield Arms Blackbrook Road Fareham	Variation of Premises Licence	Police representation on all four licensing objectives, public representation also against the proposed extended hours.	Adjourned to 21.8.2009
21 August 2009	The Heathfield Arms	Variation of Premises Licence	As above	Application granted subject to amended conditions to promote the Licensing Objectives
2 September 2009	Sir Joseph Paxton Huntspond Road Fareham	Review	Review was requested by Environmental Health Pollution and from local residents regarding substantiated noise nuisance in the garden and on the patio.	The findings of the Licensing Panel were to amend a condition for the use of the garden and patio as a proportionate response to the request for Review.
29 October 2009	Fordies Convenience Store 98 Miller Drive Fareham	New Premises Licence	Representations made by residents to the proposed hours of the store regarding all four licensing objectives.	The licence was granted subject to additional conditions
3 November 2009	Holly Hill News 68 Barnes Lane Sarisbury Green	New Premises Licence	Representations made by residents to the proposed hours of the store regarding all four licensing objectives.	The licence was granted subject to additional conditions including shutters to front and rear of the premises.

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
<b>2010</b>				
17 March 2010	Ken's Kebabs, 161 West Street, Fareham	Variation of Premises Licence	Police made representations on the grounds of crime concerned that extending the hours would result in increased disorder in the area.	The application was granted subject to additional conditions, but not door supervisors
30 April 2010	Apollo Cinema Vannes Parade Fareham	Cinema Classification	Classification of films are automatically referred to the Licensing Panel	The Panel resolved that the classifications requested be granted.
19 May 2010	The Seagull Cornaway Lane Portchester	Review	The Review was requested by the Police following incidents at the premises including shouting, obscene language, the local residents also made representation regarding damage to property and noise.	The Panel decided to amend some of the conditions and also to reduce the hours of opening to promote the licensing objectives.
11 August 2010	Bodrum Grill House 186 West Street Fareham	Review	The Review was requested by the Police on all four licensing objectives following problems at the premises late at night.	The panel decided to vary the opening hours of the premises and also to modify the conditions of the licence plus add 2 additional conditions.
19 November 2010	Titchfield Festival Theatre - Unit 2a, 73 St Margaret's Lane, Titchfield	New Premises Licence	Representations from local residents regarding nuisance from vehicles and people leaving the premises.	The Panel refused the application as the problems with local residents could not be resolved by the imposition of conditions or the restriction of hours. The applicant appealed the panel

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
				decision and the case was referred to the Magistrates Court, following discussion between the solicitors and the Chairman of the Panel, agreement was reached with the applicant for additional conditions being attached to the licence and the Magistrate consenting to the licence being issued on these grounds.
<b>2011</b>				
24 February 2011	Redbarn Express, 71 Linden Lea, Portchester	Review	Review requested by Police and Trading Standards following failure of three test purchases.	The Panel resolved to suspend the premises for a period of twenty-eight days and impose a number of conditions as presented by the Police.
5 April 2011	Southern Co-operative Ltd (formerly the White Hart), Castle Street, Portchester	New Premises Licence	Local Residents complained about the hours quoting noise from delivery lorries to premises.	The Panel resolved to grant the application subject to the agreed conditions as amended or added by the panel to promote the licensing objectives.
14 June 2011	Travelrest Ltd, 22 The Avenue, Fareham	New Premises Licence	Representations from the Police and local residents regarding sale of alcohol and noise from customers using the rear garden for barbecues.	The Panel resolved to grant the application subject to proposed conditions as agreed between the applicant and the Police and additional condition was added by the Panel to support the licensing objectives.
2 November 2011	Southern Co-operative Ltd	New Premises Licence	Petition from local residents regarding change of use of	The Panel determined to grant the licence subject to the conditions as

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
	(formerly the Linden Lea), Portchester		premises to convenience store.	agreed between the applicant and the Responsible Authorities.
<b>2012</b>				
18 April 2012	The Portsdown Inn, Leith Avenue, Portchester	Review	Review raised by Police following major incident at the premises involving the Designated Premises Supervisor	The Panel determined that the Premises Licence be revoked having given due regard to both written and oral witness statements.
25 July 2012 (provisional)	Co-op Food Store, Highlands Service Station, 165 Highlands Road, Fareham	Variation of Premises Licence	Representations from local residents regarding noise and light nuisance.	The Panel resolved that the application be varied as applied for as there was no substantive evidence from either representees.
22 August 2012	Apollo Cinema Vannes Parade Fareham	Variation of Premises Licence	Representation by Police regarding application for extended hours for sale of alcohol and regulated entertainment	The Panel determined that the application for variation be granted subject to a reduced terminal hour for the sale of alcohol and additional conditions being attached to the Operating Schedule of the premises licence.
<b>2013</b>				
28 February 2013 (additional)	One Stop Leith Avenue, Portchester	New Premises Licence	Representation from local councillors regarding hours of opening and sale of alcohol	Application granted with amended condition and additional condition added to licence.

**APPENDIX B**

**Table 1:** The total number of occurrences and incidents recorded in Fareham for the periods between 1 January and 31 December from 2300hrs to 0359hrs inclusive:

	2010	2011	2012	%change 2010 to 2011	%change 2011 to 2012	%change 2010 to 2012	Num change 2010 to 2012
<b>ASB</b>	500	-	354	-	-	-29.20	-146
<b>Criminal Damage</b>	62	79	118	27.42	49.37	90.32	56
<b>Violence against the Person</b>	226	183	123	-19.03	-32.79	-45.58	-103

**Table 2:** The number of incidents recorded in Fareham for the periods between 1 January and 31 December specifically relating to licensed premises from 2300hrs to 0359hrs inclusive:

	2010	2011	2012	%change from 2010 to 2011	%change from 2011 to 2012	%change from 2010 to 2012	Num change 2010 to 2012
<b>ASB</b>	111	-	62	-	-	-44.14	-49
<b>Criminal Damage</b>	9	23	11	155.56	-52.17	22.22	2
<b>Violence against the Person</b>	66	57	36	-13.64	-36.84	-45.45	-30

**Table 3:** The use of the Police Section 27 Dispersal Order Powers

<b>Section 27</b>	<b>2011</b>	<b>2012</b>
<b>January</b>	1	21
<b>February</b>	1	2
<b>March</b>	0	9
<b>April</b>	1	17
<b>May</b>	1	12
<b>June</b>	1	7
<b>July</b>	4	9
<b>August</b>	5	7
<b>September</b>	4	7
<b>October</b>	12	7
<b>November</b>	9	5
<b>December</b>	31	10
<b>Grand Total</b>	<b>70</b>	<b>113</b>