



AGENDA ITEM:

OVERVIEW AND SCRUTINY BOARD

30 NOVEMBER 2004

DRAFT LICENSING POLICY

PURPOSE OF THE REPORT

1. To present the findings of Overview and Scrutiny Board in their examination of the Council's draft licensing policy.

BACKGROUND INFORMATION

2. A special meeting of the Overview and Scrutiny Board was called on 26 November to consider evidence regarding the development of the draft licensing policy. Members of the Economic Regeneration and Transport Scrutiny Panel and the Chair and Vice Chair of the Licensing Committee were also invited to attend.
3. The service area indicated that they had known about the change in the Licensing Policy for a year however had waited until they had received the guidance before bringing it to the attention of scrutiny, however the guidance was received in July 2004. The Chair considered that the Board had not been consulted early enough and consequently the programme had been compressed into the special meeting of OSB and a special Executive meeting to be held on 14 December.
4. Officers from the Council's Community Protection Service and Regeneration service areas were invited to give evidence along with representatives from the Police and the Town Centre Company.

Findings

5. The Board considered that the Licensing Act which was passed in 2003 would result in the transfer of responsibility for liquor licensing from magistrates to local authorities in the context of a wholesale review of licensing arrangements. Underpinning this was the desire to reduce restrictions and enable 24 hour opening, central to this was the belief that crime and disorder would be reduced if premises chose their own hours of opening.

6. As such local authorities must draw up policies in order to judge licence applications and detailed consultation has taken place with stakeholders on this issue.
7. The Board found that there were two main issues: Saturation Policy and Pricing Policy. The Board also considered the issues of transport and enforcement.

Saturation Policy

8. The licensing authority is allowed to consider the cumulative impact of licensed premises in a defined area. In that an applicant can be required to show how their premises will impact on a defined area. The authority must grant a licence unless it receives relevant representations.
9. There were several options available to the Council with regard to the saturation policy
 - i) **Option A** - Expand the Saturation Area to incorporate the entire town centre – this option has been supported by the police but has not been proposed by any other consultee.
 - ii) **Option B** – Restrict the Saturation Area to the Albert Road/Exchange Square area – a saturation policy can only be introduced based on evidence of crime and disorder or public nuisance, statistics provided by the police are not specific to the area and may create difficulties if the Council had to justify its policy by way of a challenge such as judicial review.
 - iii) **Option C** – That a Saturation Policy is not included – this could be removed from the Council's Licensing Policy on the basis that there is insufficient evidence to maintain the policy at the present time.
10. The Police were in agreement of the Mayor's vision for a café culture in Middlesbrough which included the promotion of ethnic quarters of the town such as an Italian or Chinese quarter. They saw the implementation of a saturation policy as a way of indicating to potential investors a clear message of the sorts of establishment that the town wanted to encourage, i.e. something different from bars and clubs. The police would like to encourage a presumption of non-approval for extra pubs and clubs.
11. The police considered that there was no evidence that 24 hour opening would improve levels of crime and disorder or improve 'yob culture'. In their view more pubs and clubs would inevitably result in more drinkers. Officers within the Community Protection Service had concerns that the café culture brought with it the positioning of tables and chairs on the pavement, which it was considered, could contribute to fuelling anti social behaviour and further damage to properties.
12. In terms of the view from the Council's regeneration service area, officers were supportive of the draft policy whilst recognising that it is a work in progress and that there is the capacity to review the policy in the light of experience. The policy was seen as part of a wider strategy for the town centre, that also included the night time economy. It was noted that a Town Centre Strategy was in the process of being developed and which would involve the encouragement of an evening economy. In terms of a saturation policy, officers would like to see positive signals

for investors to encourage them into the town and would at this stage prefer not to see a saturation zone established in case it has the effect of hindering future developments.

13. The environment service area also recognised that the development of the night time economy was key to urban regeneration and that a saturation policy sends out a certain message to investors. The service area also recognised the benefits that a saturation policy may bring for those people who live in the town. It was suggested that a more proactive approach could be undertaken to inform businesses of the sort of establishments that the licensing authority would be more willing to accept.
14. Officers from the council's planning department also outlined the importance of the planning process in assisting in the development of the town. Applicants must be able to prove that their establishment offers something different to the town's existing provision and that officers had a duty to ensure that when approving planning applications that the land was appropriately and in accordance with the Local Plan. Although it was acknowledged that once a licence had been granted there as nothing to prevent the licensee altering the nature of their establishment.
15. The Middlesbrough Town Centre Company (MTCC) also recognised the balance between the two views: on one hand encouraging businesses into Middlesbrough and on the other ensuring the need to attract a more diverse type of establishments that would benefit the town and also attract a wider age range to the night time economy. The MTCC was also in favour of clear guidance of the sort of establishments that would be favoured in the town.

Pricing Policy

16. The Board learned that licensees in Middlesbrough were invited to be involved in a voluntary policy that ensured that the price of alcoholic drinks were not reduced to under £1.50. This voluntary agreement was supported by most of the town's licensees. All those giving evidence to the Board supported this policy. It was also suggested that, whilst this policy could not be legally enforced, it may be useful to inform potential licensees that any application where the licensee would promise to adhere to this agreement would be looked upon more favourably.

Transport

17. Finally, transport was considered an important issue. It was suggested by the police that the issues of enforcement were considered and that an amnesty on the categories of taxis that could make pick ups between midnight and two AM in order to remove people from the streets and prevent conflicts breaking out.

Enforcement

18. The issues surrounding the enforcement of the implications of the night time economy were considered and that the allocated resources were low to enable this form of extending the activity within the town centre. Scrutiny was encouraged to comment on the enforcement issue, however the service had not provided Members with the time required to enable them to do so. Members' initial views were that the issue of enforcement and its necessary resources would require

addressing once the licensing policy and the night time economy has developed further.

CONCLUSIONS

19. The Board would like to thank those officers and representatives of other organisations who gave evidence on this matter.
20. The Board considers that a Licensing Policy needs to be considered in the context of a policy for the town centre as a whole and welcomes the initiation of work on a town centre policy by officers. The Economic Regeneration and Transport Scrutiny Panel will address this issue as their next review, and report when the new policy is placed before the Council.

RECOMMENDATIONS

21. Based on the evidence received, the Board would like to make a series of recommendations to the Executive.
 1. That the Council should adopt a “saturation policy” for licensing, covering the town centre area as a whole, in order to give a positive message about the type of licensed premises we wish to encourage in the town centre.
 2. That the Council should support a voluntary pricing policy, in order to discourage binge drinking.
 3. That the Council’s Licensing Policy is reviewed when a comprehensive town centre policy is considered by the Council.

**COUNCILLOR MIKE CARR
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29 November 2004

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BACKGROUND PAPERS

The following background papers were consulted or referred to in the preparation of this report:

- (a) Middlesbrough Council’s Licensing Policy
- (b) Licensing Policy – Report to the Overview and Scrutiny Board – 26 November 2004