



Report of the Director of Legal and Democratic Services

Scrutiny Board (Development)

Date: 20th March 2007

Subject: Licensing Act 2003 and Partnership Working

Electoral Wards Affected: All

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

1.1 The Licensing Act came into full effect on the 24th November 2005.

The Act prescribes 'Responsible Authorities' who are interested parties for the purpose of receiving notice of applications.

The Responsible Authorities are as follows:

West Yorkshire Police
West Yorkshire Fire & Rescue Service
West Yorkshire Trading Standards
LCC Environmental Health Services
Health & Safety Executive
Local Safeguarding Children Board for Leeds
LCC Development Department

1.2 Responsible Authorities may submit representations to a licence application or call for a Review of any particular licence. Any representation or Review would need to focus on one or more of the Licensing Objectives:

- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm.

2.0 Partnership working - Administration

2.1 An applicant is required to serve copy of their application on the Licensing Authority and all Responsible Authorities (RA's). To ensure that all RA's receive their

applications the Licensing Section distributes notice of applications received on a daily basis. Included in the distribution list are all elected members.

- 2.2 The application process requires the applicant to demonstrate through their operating schedule how they will contribute to the licensing objectives. Given the inconsistency in the quality of applications resulting in RA's having to make representations to almost every application, the Licensing Section and all partner agencies (the RA's) devised a proforma consisting of 145 items which provides applicant with some direction as to the measures RA's will be expecting. This has simplified the application process for both the applicant and the RA's, ensures good quality applications and ultimately the items accepted through the proforma will translate to licence conditions.
- 2.3 The Councils Uniform CAPS system allows partners within the Authority to access licence data internally. However, given that many of the partners are external to the Authority, the Section has a licence register accessible via the website. In addition to Licence information maintained in postcode order, partners can access the register of 'Temporary Event Notices', Personal Licence holders, pending Reviews, and pending applications.

3.0 Partnership Working – Enforcement

- 3.1 A Liaison and Enforcement Protocol has been drawn up in association with all of the RA's.
- 3.2 The contents of the Protocol covers various topics including the general enforcement principles, the transfer of information, and the various roles and responsibilities of each Responsible Authority.
- 3.3 Importantly the Protocol identifies the need for joint partnership working and regular enforcement meetings.
- 3.4 Meetings of the enforcement group take place on a monthly basis which all partners do attend (save Development and the Local Safeguarding Children's Board). The meetings are a valuable opportunity for all agencies to share information resulting from recent licensing visits from which a list of problem premises is formulated and used as a basis for future enforcement attention.
- 3.5 Joint enforcement visits are arranged as and when identified involving the appropriate partners, but the Licensing Team are also involved in weekly joint licensing visits with the West Yorkshire Police where relationships have been formed with the various Neighbourhood Policing Teams.
- 3.6 Other partners also undertake joint enforcement visits under the Licensing Act, for example the West Yorkshire Police and Trading Standards in detecting under age sales of alcohol. The results of these visits are reported back to the Enforcement Group.
- 3.7 A number of licence reviews heard before the Licensing Committee have come as a result of partnership working between the RA's.
- 3.8 The Licensing Enforcement Team in association with the Police have established

Pubwatch groups throughout the Leeds district and attend the 'Leeds City Licensees Association' which represents the majority of licensing holders within the LS1, LS2 & LS6 districts. Meetings are often attended by representatives of other RA's to discuss certain specialist topics, the most recent being on the impending smoking prohibition with the support of the Council's HSE officers.

- 3.9 The Licensing Section is also represented at the Divisional Community Safety Partnership for Leeds City Centre and the Development Department City Centre Project Board.

4.0 Conclusions

- 4.1 The commitment of all partners is contributing to an effective administrative and enforcement regime.
- 4.2 Given the impending Gambling Act it is recognised that there will be additional pressures on the Licensing Enforcement Team, therefore to ensure that the additional gambling responsibilities do not have any impact on the established arrangements, work is in progress with a view to increasing the number of officers.
- 4.3 It is recognised that liaison with the Development Department in terms of their administration and enforcement functions requires further development, which senior managers presently have in hand.

5.0 Recommendation

- 5.1 Members of the Scrutiny Board (Development) are asked to comment on and note this report.