



**MILTON KEYNES
COUNCIL**

Minutes of the meeting of the PERFORMANCE REVIEW AND AUDIT PANEL held on 8 March 2006 at 7.30pm in the Civic Offices

Present: Councillor Carstens (Vice-Chair In the Chair)
Councillors Benning (substitute for Councillor Monk), Exon (substitute for Councillor Burke), Irons (substitute for Councillor Long), Lloyd (substitute for Councillor Wilson) and Williams

Officers: J Boothroyde (Overview and Scrutiny Manager), P Winsor (Chief Environmental Health Officer), C Londy (Principal Environmental Health Officer), E Fisher (Environmental Health Officer) and J Partridge (Committee Manager)

Apologies: Councillors Burke, Long, Monk and Wilson

Also Present: Councillors Barry, Burke, Carruthers, Crooks, Fraser and Monk, D Hall (Secretary – Barwatch Scheme), P Kirkham (Chair – Hackney Carriage Association), L Poizat (Thames Valley Police – Licensing Department) and G Walton (Thames Valley Police)

Members of Public: 1

PR48 LICENSING ACT 2003 – THE MK PERSPECTIVE

Prior to Implementation

The Panel received a report from Phil Winsor concerning the implementation of the Licensing Act 2003 and its effects in Milton Keynes.

The Panel was told that the Council had been proactive prior to the implementation of the legislation undertaking consultation and liaison meetings with the licensed trade and other agencies. The Councils Statement of Licensing Policy had been published in January 2005 following wide consultation with over 100 organisations and individuals.

The Panel was told that negative impacts of the Licensing Act had resulted from the Government not providing necessary documentation in a timely manner and the delay in appointing support staff provided by HBS. Positive impacts had resulted from the Central Milton Keynes grid square where terminal hours had been staggered to reduce the likelihood of an impact on the locality.

The Council had taken a more robust view than the Magistrates Court had done in the past and targeted persons whose first language was not English to ensure that all those persons who required a new licence had

equal opportunity to do so. It was stated that workloads had reached peaks and troughs in relation to the second appointed day in November 2005, which had an impact on work streams and led to reorganisation in staffing.

The Panel was told that Member involvement in respect of Licensing Sub-Committees had been positive with good support provided by Democratic Services and the Legal Department. Engagement with the public had also been positive.

It was stated that there had been costs for the trade but standards of behaviour of patrons of premises had improved in some cases as a result of interagency partnerships.

Councillor Carruthers stated that the preparatory work by Officers in respect of the Licensing Act 2003 should be commended and stated that training for Members had been ongoing. He stated that Milton Keynes had established elements of best practice, which had been fed out to other Local Authorities.

The Panel was told that Members' resources had been strained by the number of Licensing Sub-Committee hearings, which had been amplified by uncertainties in respect of the number of applications that the Authority would receive. Increasing the membership of the Licensing Committee to 15 had made it easier to cope with the demand although there was a requirement for additional training where necessary for Members.

Mr P Kirkham, on behalf of the Hackney Carriage Association, stated that there had been no consultation with the Taxi trade prior to the implementation of the Licensing Act 2003 and that consultation with Thames Valley Police and his members was required. It was stated that increased pressure had been placed on the taxi trade as a result of demands to transport persons who were unable to get home using bus or rail services. It was commented that further consideration should be given to the means by which the public arrived at a venue and subsequently went home.

Mr P Kirkham also commented on the following by way of written submission;

- South Northants Private Hire vehicles operating in Milton Keynes.
- Inadequate numbers of enforcement Officers being employed by the Council.
- The demand for a taxi marshal service at the Xscape complex to cope with the additional numbers of patrons. It was commented that the Council was trying to get Xscape involved to provide the necessary resources for a taxi marshal service.
- The requirement for additional street lighting over the taxi stand adjacent to the Xscape complex.
- The requirement for an improved traffic management scheme to ease the flow of traffic near and around the Xscape complex.

Sgt G Walton, on behalf of Thames Valley Police (TVP), stated that the Community Safety Partnership had a remit to consider how violence resulting from the night time economy might be reduced. It was stated that the Hackney Carriage Association could be included in future discussions of this topic.

The Panel was told that TVP had undertaken consultation with the Council's Environmental Health Department in order to formulate a response to the Licensing Act 2003. Barwatch had been put into operation for every area in Milton Keynes and information had been shared between TVP and the Council to develop a joined MKC Licensing Database. It was commented that positive interrelationships between TVP and the Council had resulted in a successful implementation of the Act.

Mr D Hall, on behalf of the Barwatch Scheme, stated that good consultation had been carried out with both the Council and TVP who had contributed widely to individual areas and the central Barwatch Partnership. It was stated that the trade had raised concerns regarding the following issues;

- The escalation of costs associated with the application process.
- Police resources.
- Barwatch being included as a condition of licence.
- Confusion regarding those who were required to apply for a new licence.
- The public perception of 24 hour drinking and the movement of patrons between premises.

The Panel discussed the following;

- Those parts of the legislation, which prohibited certain persons from speaking at Licensing Sub-Committee hearings.
- The ability of the Council to attach Barwatch as a condition of a premises licence only where there is cause under the Crime and Disorder objective.
- TVP was only permitted to object to an application where there was evidence of an offence, which could be directly attributed to the premise.
- The review process by which persons in the vicinity of the premises could seek a review of a licence.
- Problems relating to the time that Licensing Sub-Committee hearings were held
- Members inability to consider applications for premises in their ward.
- The inadequacy of the fee structure and the detrimental effect on businesses resulting from the costs associated to application fees. It was commented that the fees had been nationally prescribed but

feedback was being provided to the Local Government Association by local authorities, which may lead to a change if considered necessary.

- Difficulties in filling out the application forms.
- The inability of central rates departments to answer questions raised by premises relating to the fee structure.
- Problems associated with the notification of application displayed in the window of premises.
- In some cases residents had not had the ability to raise their objections, as they were not considered to be in the vicinity.

Effects of Implementation

Sgt G Walton stated that as a result of the implementation of the Licensing Act 2003 new powers had been given to TVP to issue penalty notices for disorder on the streets. It was stated that violent crime had fallen in Milton Keynes by 35% compared to 2003/04, although minor disorder offences had increased. It was further commented that an Alcohol Misuse Performance Campaign was being undertaken and as a result of strong partnership working, the effects of the Licensing Act had been thus far positive.

Councillor Barry stated that following an exercise with TVP in the city centre, monitoring the effects of the Licensing Act 2003, it would be a good idea to carry out the exercise again when the city was functioning at greater capacity. It was also commented that many patrons were using their passport, as proof of age, which the Panel considered, was not a good means of identification. The Panel discussed the PASS scheme, which it was considered might be a preferable means of proving a person's age, which would be more widely used if endorsed by the Council.

P Winsor stated that strain on administrative resources had reduced since the summer and that there had been things that had worked well operationally following work with local partners. It was further commented that the licensed trade should be congratulated for the way that they have acted throughout the period. There had been close partnership working with legal representatives and other local authorities in order to ensure that the legality of the process had been carried out correctly.

P Winsor further stated that by way of improvement the administrative side of the process could have been better handled by HBS. Although there was recognition of what needed to be done there was not always the administrative support to achieve it.

Councillor Carruthers stated that public perception of the change in legislation had been heightened by the media coverage of 24 hour licensing which had led to an increase in the numbers of representations received by the Licensing Authority. It was considered that further information could have been provided to the public to allay

fears in respect of 24 hour licensing.

The Panel discussed the further following issues;

- The need to consider policing and taxi resources for licensed premises outside the city centre.
- The seminars and training days provided for licensees by the Council, which it was commented had supplied some misinformation.
- The number of licensees who did not have access to the Licensing Policy documents on the Internet.
- Wider resource problems for the Environmental Health Division.
- There had been no evidence of increased alcohol consumption or public perception of violence.
- That the Community Safety Partnership was undertaking work in respect of monitoring the movement of Anti-Social Behaviour from the city centre.
- General perceptions that TVP resources were being relocated to the city centre to the detriment of outlying areas.
- There had been no increase in the levels of crime and disorder recorded.
- The requirement to consult with the public on the implementation of new legislation as an affected party.
- The lack of representations from some relevant authorities, e.g. Planning and the withdrawal of representations at Sub-Committee hearings.

Councillor Carstens stated that on the basis of evidence, the agencies and Officers of the Council should be congratulated for their work on the implementation of the Licensing Act 2003. It was further stated that the wider provision of information to the public in respect of crime and disorder figures to highlight that they were declining, would be helpful. It was also commented that Local MPs should be encouraged to take up those issues detailed above on behalf of the licensed trade and the public.

RESOLVED –

1. That further consideration be given to the effects of implementing the Licensing Act 2003 after the summer to see how it is affected by increased temperatures and patronage.
2. That further consideration be given to the PASS scheme at a future meeting of the Panel.