

House of Lords Select Committee on the Licensing Act 2003

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Who are we?

A residents' association based in Acton, London. We review all new licence applications in the Acton area and have submitted 67 representations since 2010.

Cumulative impact in Acton

Acton town centre was identified as an area subject to cumulative impact and the Council's Licensing Policy was amended in January 2010 to include Acton town centre as a cumulative impact area known locally as Acton Special Policy Area (SPA).

- The number of offences, environmental crime reports, anti-social behaviour (ASB) complaints and London Ambulance Service (LAS) alcohol related incidents are far higher than the borough wide averages.
- The Acton SPA has 66.4 off-licences per km², over eight times the borough wide average of 7.9 per km². The Acton SPA contains eight of the twelve known problematic street drinking locations in Acton and is a borough street drinking hotspot.
- Violence Against the Person was the most common offence with 32.5% involving alcohol.
- 7% of all alcohol related LAS incidents that occurred in Ealing between 7pm and 7am took place within the Acton SPA (300 incidents per km² in comparison to the borough wide figure of 27).

Licensing objectives

1. The four licensing objectives should be retained. We would like to see a greater focus on quality of life issues and local amenity for residents. Anti-social behaviour, noise and litter are day to day issues for residents. ASB and noise are underreported plus it is often difficult for residents to determine which premises are the source of ASB and/or noise. There is no method for accessing the quantity of alcohol related litter in an area. As residents, we are not recognised as official evidence gatherers, which gives us less power at licensing hearings.
2. The predominance of off-licences in an area impacts the local amenity by stifling the offering on the High Street and exacerbating issues with street drinking and pre-loading (drinking before going out to pubs and clubs).
3. Alcohol is often a factor in violent crime, both in public and in the home. Street drinking and pre-loading are both issues in Acton so we support the addition of an objective to cover health and wellbeing issues.

The balance between rights and responsibilities

4. We are fortunate to have a proactive Police Licensing Team covering Ealing Borough. It has been our experience that the police are involved in all new applications and reviews. It is rare that evidence is put forward by the council's Licensing Team, Noise Pollution or Trading Standards. Given that these teams undertake enforcement work, we would welcome their involvement on a consistent basis.
5. MHPRA works closely with another community group in Acton, Churchfield Community Association, to monitor applications in our area. Looking at the list of licensing applications across the borough, it is clear that some areas have a disproportionately high number of applications, with very late hours which will have a negative impact on the residents of that area. There appears to be little or no involvement from local residents from these areas and more could and should be done to raise awareness amongst residents. Awareness sessions to empower local residents should be publicly funded.
6. On a few occasions we have had applications for new premises, where the alcohol hours are discussed at the hearing but there is no control over the opening and closing hours of the premises as this is covered by planning legislation. The Licensing Authority should have the power to set the opening and closing hours of the premises in addition to the hours for licensable activities. Having an off-licence open after alcohol hours in certain areas often generates incidents involving violence and this power would prevent such issues arising.

Licensing and local strategy

7. We recognise that well managed premises can make a great contribution to a local area. Conversely, poorly run premises can result in long lasting damage to an area. Regenerating a local area is a slow process and the Act should permit more powers to speed up this process or make it easier for the police and regulatory authorities to gather evidence.
8. In cumulative impact areas, there is currently a two pronged approach to reducing crime and disorder and/or public disorder:
 - For all new applications, ensure core hours and request conditions to promote the licensing objectives;
 - Enforcement work undertaken by the police to review poorly run premises.
9. So effectively, the majority of premises within a cumulative impact area who have had a licence for some time, will continue to operate unless a review is triggered. Gathering evidence for a review is a lengthy and costly process. A lot of lower level poor behaviour continues unchallenged which cumulatively has an impact on the area and local residents.
10. The Act should give powers to licensing authorities to set mandatory conditions to halt increases in crime and disorder in cumulative impact areas or areas with emerging problems. This reduces the burden of proof on the police. It will have an impact on the majority of premises instead of the minority and will result in bigger and quicker reductions in crime levels.
11. As mentioned in 'Licensing objectives', local amenity value is set by a good breadth of licensed premises and not an overabundance of one type of premises, particularly off-licences. Licensing authorities should take the local area into consideration at licensing hearings, paying particular attention to off-trade.

Licensing procedure

Appeals

12. In December 2015 a premises in Acton had their licence revoked. They appealed and continued to trade until the date of the hearing in June 2016 when they withdrew their application. The premises traded for six months and the owners benefited from the proceeds of sales during this time. The decision made by the Licensing Authority should be upheld until the appeal hearing.
13. Alternatively there should be a financial penalty for the appellant that uses the tactic of appealing and then withdrawing before the hearing. The penalty should be tied to the amount of profit made by the premises or the appeal process will continue to be misused in this way. The premises in Acton had serious issues with crime and disorder and public safety and abusing the appeal system in this way, undermines the licensing objectives.

Temporary event notices

14. TENs are often poorly managed and can result in issues with ASB, noise and litter. Local residents should be given the opportunity to submit representations for TENs and request conditions to address noise etc.
15. TENs should not be permitted in cumulative impact areas due to the high levels of crime and disorder and public nuisance already present in these areas.

Issuing licences

16. When a premises closes, the licence should expire. The management standard of premises is critical to the promotion of the licensing objectives. By removing the transfer of licences, the Licensing Authority would be in a better position to ensure the licensing objectives are maintained by the new owners when they apply for a licence.
17. To avoid confusion and conflicts with conditions, premises should only be permitted to have one licence. If an applicant applies for another licence, the previous licence should automatically be surrendered.

Cumulative impact areas

18. More should be done to recognise emerging problem areas so that preventative work can begin. The creation of cumulative impact areas is a reactive approach which occurs after a considerable amount of damage has been done to an area. The process to reverse the increase in crime and disorder is slow and places a lot of burden on the police's time to gather evidence.
19. More powers should be given within the Act to tackle emerging problem areas or areas with a high saturation of one type of premises, such as off-licences. In these areas, the Licensing Authority should be given powers to implement mandatory conditions for all premises in that area.
20. Licence fees in cumulative impact areas should be higher and the additional income used for increased enforcement by police and regulatory services.

Language barriers

21. Measures should be put in place to ensure that licence holders have a reasonable command of English and any licensing training should be carried out in English.

Sale of alcohol for consumption at home (the off-trade)

22. Licensing authorities should be given more control over off-trade sales of super strength alcohol, miniatures and quarter bottles of spirits in cumulative impact areas or areas with street drinking issues.