

**Talk by Peter Barrow, Head of Licensing, Birmingham City Council,
following the Moseley Society A.G.M., Wednesday 17 May 2006.**

Peter Barrow said that prior to the changes introduced by the Licensing Act 2003 he had been Head of Regulatory Services Department for the City Council, over-seeing a wide range of legal proceedings. He said that the changes to licensing, which came into effect in November 2005, represented the most significant change to food, entertainment and liquor licensing for 300 years. He said that not everyone knew that the new Act also encompassed regulation of late night refreshment and hot food takeaways operating after 11 p.m.

He said that before the implementation of this Act, the City's Licensing Department had had a staff of 20 to deal with taxis [1500 black cabs and 4500 private hire vehicles managed by 86 separate operators], and all the other matters needing a local authority licence, including public entertainment, late night entertainment, street collections, sex establishments - and zoos. The City Council was advised by the Magistrates that there were 2500 pub, club and restaurant licences that would have to transfer to the new system during the transitional period, which was to run from 7 February until 24 November 2005.

Peter described how, when the official regulations governing how the new Act would be implemented 7 February, were published on Friday 4 February, everyone was taken by surprise by the number of changes made to the draft regulations. From February to May were therefore very quiet months, while applicants absorbed the new information. The majority of applications were made during June and July, as 6 August was the last day to lodge applications and ensure a decision was made by 24 November. The City received 1000 during the first week of August.

Conversion. Existing licences issued by Magistrates could be converted unaltered, the applicants claiming 'grandfather rights', and only the police having a right to object. Police in Birmingham made no objection to any conversions.

Variations. These applications included alterations to hours and possibly the thirteen licensable activities [music, film, refreshment, liquor etc.] The Act imposes a duty to consult, and applicants must place a public notice in the local paper and display a notice on the premises. When valid representations are made about such an application, a Hearing must take place.

Peter explained that the City Council's Licensing Committee is composed of 15 Councillors who agreed to make themselves available each weekday and conduct up to six hearings each day. He said that the City had been complimented by lawyers representing applicants, who had also appeared at hearings in other local authorities, on the structure of its licensing sub-committees. They had taken advice from Judge John Saunders, and had agreed that each Hearing should take no more than an hour, with each party [applicant and objectors] being allowed 20 minutes maximum to put its case. He said that of the 232 Hearings that had taken place so far, only 23 had been appealed, and no costs had yet been awarded against the City. He said that many of the licences had been negotiated amicably with objectors, and that most of the appeals to Magistrates had been for a smaller increase, when compared with the original application.

He said that the City Council had to date issued 2411 premises licences, which have been issued for life or the duration of the premises. There are another 211 licensed members clubs. There are 2389 Personal Licences, renewable every 10 years. There have been 396 Temporary Event Notices issued since November 2005.

Turning to enforcement of the new Act, he said that in the main this was being overseen by the police, especially in the City Centre. The licensing team also has ten Enforcement Officers, who also enforce other environmental legislation. Peter said that carrying on a licensable activity without a valid licence is an offence punishable by penalties of imprisonment up to 6 months or a fine up to £20,000. The sale of alcohol to a person who is already drunk can incur a fine of up to £1,000. He said that the Act has created 52 offences, some incurring serious penalties. The loss of a personal licence would result in the loss of the licence holder's employment.

Reviews. Peter said that the new Act allows anyone to call at any time for a licence to be reviewed. Under the previous system, licences could only be reviewed at Magistrates Courts Transfer Sessions. The aim of the new legislation was to allow magistrates more time to deal with criminal law, and to make licensing more transparent and accountable by moving it all into local authority control. Any affected resident or any other local business can voice relevant and valid concerns about the operation of a licensed premises, and if the problem persists the local authority is duty bound to review the licence. The local authority may only refuse to deal with an application if it is not relevant to the four licensing objectives or it is made by an interested party and the authority considers it to be frivolous, vexatious or repetitious. A review can exclude one of the previously licensed activities, or it can revoke a licence completely.

Peter said that no Reviews had yet taken place in the City, which had put in place an arrangement unique to Birmingham. This 'Joint Licensing Task Force' has representation from trading standards, police, environmental health, licensing enforcement and, if necessary, the fire service. The Task Force seeks to solve problems, but if this fails then licenses will be reviewed. He said that there were six licences in the city that might be reviewed if current action fails.

Fears about 'binge drinking'. Peter said that the introduction of the Act had led to fears about increased late night 'binge drinking' although such fears did not appear to have been realised. He said on a Friday and Saturday night,
1336 premises in the city still close at 11 p.m.
337 close at midnight
202 close at 1 a.m.
280 close at 2 a.m.
a tiny number of establishments stay open later than this.

Peter said that in Sutton Coldfield it has been calculated that there was a 90% reduction in crime and disorder over the 2005 Christmas period, mainly due to staggered closing times and a successful taxi marshalling initiative. In Moseley, where there are 10 pubs and 6 licensed restaurants, there is now an active Pub Watch. He said that at a recent meeting with 7 pubs represented, responsible management was discussed - including staff training, keeping a log book of incidents, ensuring food is on offer to help customers sober up, asking customers to keep noise down as they leave. He said that major pub chains are insisting on this sort of training.

In relation to the proposal for a Special Policy of cumulative impact for Moseley, Peter said that although the Broad Street special policy is working well, he is yet to be convinced that it is really necessary in Moseley. However, there will be consultation to determine whether or not there should be such a policy. He said that the combination of responsible management by owners, balanced by tough enforcement when necessary, should ensure harmony.

In response to questions from the meeting:

Peter told Denise Maguire that he had not plotted the location of licensed premises and so could not say if there was another suburban area with 10 pubs in a quarter-mile radius. He thought that the concentrations in Erdington and Sutton Coldfield must be fairly similar.

In response to a question from Barbara Barnsley about a noisy party, including live bands, in a marquee in a private garden, he said that this was not licensable, and if it was a one-off event Environmental Health officers would not take any action - but that if it became a regular nuisance they would have powers to intervene, and to prevent such events taking place.

Barbara Barnsley also said that there had been noise from either Moseley Dance Centre or the next-door Epic Skate Park. Cllr Martin Mulaney said that he thought that the source of nuisance had been the Skate Park, but that measures had been taken to contain the noise within an inner chamber, specially constructed within the large listed former tram depot.

Joy Rodgers asked what she could do when affected by extremely poor standards of driving by taxi cab drivers. Peter said that if possible she should note either the vehicle registration number or the private hire or hackney carriage plate number. In response to a question from Paul Lindley, Peter said that he was aware that there had been instances of taxi drivers failing to take out the necessary [and very costly] insurance, or to drive with temporary cover notes. He said that taxi firms should take responsibility for ensuring all their drivers had appropriate documentation - including MOT and insurance. He said that he thought that insurance firms could take more responsibility for this.

Harry Stopes-Roe asked about the cost of Temporary Event Notices. The answer was £21, and only the police can object.

The cost of a premises licence is governed by the rateable value of the premises.

Peter said that the City's Parks Department was arranging to obtain a premises licence for any of its park at which large events are held.

Peter indicated that it might be possible for Moseley Park to obtain a premises licence to cover licensable activities in the Park, but not including the sale of alcohol. Should a group want to organise an event in the Park and to have a beer tent, that group would then be able to apply for a Temporary Event Notice, to cover the tent and a defined area around it.

Mr Völkel asked to be given information about how to contact Peter Barrow - and this was given freely to all members who wanted to know.

Paul Dean asked about the proposal to have a special policy because of the cumulative impact of licensed premises in Moseley. He was told that Moseley Forum is organising a special public meeting about this on Wednesday 14 June, 7.30 p.m. at the CDT. Paul asked if people present were in favour of such a policy - and no one raised any objection to such a proposal for Moseley.

Paul Dean asked about the inclusion of names and addresses of residents who had commented on licensing applications on the Council website. Thanking Paul for having brought this issue to the Council's attention, Peter said that all such identification had been removed from both the website and the reports submitted to the Licensing Committee, although full details was available to applicants.

Barry Henley expressed the feelings of the meeting when he paid tribute to the extremely professional way in which City Council staff and Councillors had implemented the new Act, asking for his thanks to be passed on.

The Chairman concluded the meeting by stating that all present would wish to join in this tribute, and he asked Peter to pass this message on to the members of his staff team.