

## **The impact upon Brighton & Hove BCU of The Licensing Act 2003**

### **1. Introduction**

This month marks the 1 year anniversary of The Licensing Act 2003 and this document comments upon its impact in Brighton & Hove, particularly upon Public Place Violent Crime (PPVC) as well as an update on tactics and current activities currently being undertaken by the local Police licensing team.

This document updates the six month review issued in May 2006.

### **2. Public Place Violent Crime**

We remain clear that there is a link between public place violent crime (PPVC) and poorly run licensed premises.

There has been much media debate since the introduction of the Act and its effect upon PPVC, most of it either misleading or factually incorrect. This is despite efforts by the police to project a more accurate picture.

In the first 10 months of this year, as compared to the first 10 months of 2005 PPVC went up in the city by 12.8%<sup>1</sup>. However, PPVC as a crime category includes both violent crime which results in an injury (known as serious) and violent crime which does not result in an injury (known as non serious).

- Serious PPVC, such as ABH and GBH has fallen by 8.4%
- ABH has fallen by 6.3% (101 less victims)
- GBH has fallen by 10.3% (10 less victims).
- Non serious PPVC, including such offences as Sections 4 and 5 of the Public Order Act, common assault and Harassment offences have gone up by 36.4%.
- Sect 4 & 5 of the Public Order Act offences have gone up by 83% alone.
- Common assault has gone up by 24.5%

This huge increase in non serious PPVC and drop in serious PPVC is as a direct result of a change in police tactics at the time the act was introduced and the introduction of fixed penalty notices for low level disorder.

It is worthy of note that both vomiting and urinating in the street is classified by national crime recording standards as Public Place Violent Crime, and this is one of the offences that is now more robustly dealt with by way of fixed penalty

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<sup>1</sup> These figures are 'recorded crime', rather than BCS data, as at a local level such data is unreliable due to small sample size.

notices than before and will account for some increases we have seen. Our assessment is that there has not been a rise in such activity but less acceptance than before and therefore more reporting of offenders.

Officers and PSCOs are now deploying in much larger numbers, particularly on Friday and Saturday evenings and are briefed to intervene much earlier, both in the evening and on the 'offending continuum' and take a robust attitude towards any anti-social, loutish or yobbish behaviour.

We term these teams our 'tone setting team' and are an integral part of our operation. By intervening earlier and delivering a swift sanction it prevents an escalation later to more serious offending, but does result in more low level crime being recorded.

A&E data from The Royal Sussex County Hospital also shows a small corresponding decrease in assaults attributable to alcohol.

Aug-04	162		Aug-05	126
Sep-04	164		Sep-05	126
Oct-04	179		Oct-05	185
Nov-04	130		Nov-05	131
Dec-04	136		Dec-05	131
Jan-05	128		Jan-06	137
<b>Total</b>	<b>899</b>		<b>Total</b>	<b>836</b>

In addition, we note an increasing sense of safety as expressed by local authority surveys and surveys conducted by Sussex Police.

In summary, Brighton and Hove is a safer place to be than last year. You have a 8.4% less chance of being the victim of a serious injury.

### 3. Other Impacts – Negative factors

- It has been very difficult for the police to plan resources to police the night time economy when we do not know when premises will close. Decisions on closure are made on the night by local managers.
- We noticed that during the summer when people emerge out of the nightclubs in the early hours that many saved B&B costs by sleeping on the beach until public transport was more readily available. This made them more vulnerable to thefts and sexual assaults.
- We believe that revellers are spending the same amount of money when they go out for an evening as before but that they spend it

over a longer period of time as premises stay open longer. We are therefore concerned that increased overheads will cut into profit margins and there will be cost cuttings, particularly within smaller establishments. Less staffing is one option where cost can be reduced. This is likely to have a detrimental effect upon operating standards and there may be pressure to increase alcohol sales to fill the gap.

- d. There is no growth in police budget and so this will cut into the resources available for other policing services outside of the city centre. Overall, policing the night time economy, linked to alcohol related crime is a large proportion of the fixed police budget.
- e. The police shift pattern has historically placed more officers on patrol late in the evening and fewer officers during the early hours of the morning. Work is ongoing to address this and change the shift pattern.

#### **4. Other Impacts – Positive factors**

The new Licensing Act gave enforcement officers more powers to tackle poorly run establishments than the previous regime. Sections below demonstrates how we have used these powers.

We note that drinking habits have changed. Before the act if you were in a pub on the outskirts of town at closing time you had 2 choices, either go home or head into the city centre to visit a night club. You now have a third choice, to stay drinking where you are longer. This reduced the sudden increase of numbers both arriving into the city centre at 2300hrs and leaving again at the end of the evening. The licensing team also has anecdotal evidence of a wider customer base and more clientele in the 25-35 age bracket.

The Act also allowed for closer work with partner agencies to tackle many of the issues associated with the night time economy and these opportunities are being taken, particularly during the current Alcohol Misuse Enforcement Campaigns (AMEC). The challenge is for us to now mainstream these activities in our day to day activities throughout the year. (More of this under future plans)

#### **5. Licensing Team.**

The Brighton & Hove Licensing team has been strengthened by a Chief Inspector who now takes the strategic lead on Licensing matters within the city. He also chairs the CDRPs strategy group on reducing PPVC.

The team is headed by an Inspector, and has a Sergeant, 3 Police constables and 4 licensing officers within the team. It is the largest team of any BCU in Sussex Police and is certainly very proactive.

In a 'snap shot' of their activity over a three month period during the summer they have;

- Conducted over 728 visits to licensed premises
- Issued 52 fixed penalty notices
- 'Persuaded' a further 13 pubs to close on a voluntary basis, as an alternative to enforced closure.
- Conducted under age test purchase operations at 123 Off Licenses. (see 8 below)

These figures relate purely to the activities of the Licensing team and do not include the many hundreds of visits and enforcement activities conducted by regular patrol officers.

Since the new act was introduced we have used our powers under section 161 and closed down 5 licensed premises;

- The Standard
- The Northern Tavern
- The Toby Inn
- The New Bush Inn
- The Saqqara Bar

In addition they have completed their British Institute of Innkeepers practitioners accreditation.

## **6. Other enforcement Activities – 'Top 10'**

The City has over 1300 licensed premises, of which 350 are pubs, clubs and bars, the huge majority of which are managed well and in a socially responsible manner. We firmly believe that only a small handful of premises contribute to crime and disorder.

The licensing team are now actively targeting and working with 10 premises that cause us the most concern. I will not name them within this document, suffice to say that most are located within either West Street or Kings Road Arches.

Having been identified as within the 'top 10' the managers, including where appropriate regional managers, are called into the police station to explain how they intend to improve matters and meet the 4 key principles enshrined within the Act;

- Reducing crime and disorder
- Protecting children
- Increasing public safety
- Preventing a public nuisance

All the premises within the Top 10 have demonstrated a willingness to listen, learn and improve matters and as a result all have shown a decrease in crime and disorder associated with their premises. (The Walkabout bar in West Street saw a reduction in incidents by 77%, The Standard Pub by 79% and Wetherspoons by 76%)

A full SMART action plan remains in place for these 10 premises, with a dedicated police officer as a SPOC. The premises are receiving almost daily

monitoring from that officer and the rest of the team. It has been made clear to them that we will continue to keep pressure on them.

Premises underneath the 'top 10' threshold have also been identified and number approximately 50. They are also closely monitored. Each morning the Superintendent 'Crime and Operations' at the daily management meeting will hear of any incident involving a licensed premises and in quick time issue tasks and commit resources if required.

## **7. Other enforcement Activities – Ion Trak**

Ion Trak is a portable drug analysis machine and can detect small traces of drugs upon persons as well as furniture and fittings within a building. The team has recently acquired its own Ion Trak and is currently profiling premises with the city. During May four such machines were used in a targeted operation to root out illegal drug misuse within the cities pubs and clubs. The Ion Trak machine was also deployed at Pride and will be deployed at forthcoming large events when intelligence suggest drug dealers may be present.

## **8. Other enforcement Activities – Off License sales to minors**

During the last 12 months we are continuing to target and conduct under age test purchase operations against Off Licenses which we believe are selling alcohol to under age children.

We have visited over 190 Off licenses and the failure rate is 40%. All staff caught selling to children have been issued with fixed penalty notices and managers have been challenged. Together with Trading Standards we are currently taking 3 premises back to the Licensing Committee to review their license. This is because they have sold alcohol to children on at least 3 occasions.

## **9. Other enforcement Activities – Yellow Card scheme**

The local business crime reduction partnership (BCRP) have over 100 members and each have signed up to a pub watch radio and the yellow card scheme. If persons are ejected from licensed premises or behave aggressively or in an anti social manner they are issued a yellow card. On receipt of 3 yellow cards they are excluded from all venues within the scheme. At this time 3 such youths are excluded. If they breach the scheme the BCRP will seek an ASBO.

## **10. Best Bar None**

We recognise that the majority of pubs and clubs are well run and on the 9<sup>th</sup> May the police, together with partners' from the City Council and the East Sussex Fire and Rescue launched the Best Bar None (BBN) scheme.

BBN is a national award scheme designed to provide an incentive for pubs, clubs and bars to raise their standards and provide a safe environment for their clientele. It is also intended to reduce the fear of crime within the night time economy.

It was well supported and over 70 premises entered the competition. Each received an audit and inspection from a multi agency team comprising Trading Standards, Fire and Rescue, Environmental health and the police. On 1<sup>st</sup> October the scheme culminated at a high profile 'black tie' evening event where finalists in each category were announced, together with the overall winner.

The overall winner was the Walkabout bar in West Street. The best night club was the Audio, best LGBT venue The Marlborough and best Pub the Worlds End.

This was the first time nationally that LGBT venues were incorporated into the competition with a separate category. We are intending to run the scheme next year and introduce a best door supervisors category.

## **11. The future**

We keen to develop greater capability and capacity amongst our enforcement teams, not only the police but also our partner agencies. Mainstreaming the tactics developed locally and nationally will play a significant part in making the city a safer place to work, live and visit. It will also make it feel safer and reduce the fear of crime.

I am currently exploring all options to bring together more joint enforcement activity involving the police, council licensing officers, trading standards officers, environmental health officers and East Sussex Fire & Rescue.

Jointly we will continue to educate licensees in how to mitigate the risk they pose the city and continue with enforcement activity.

## **12. Conclusion**

As mentioned previously, Brighton and Hove is a safer place to be than last year. 183 fewer victims of serious assault this year as compared with last year and you have a 8.4% less chance of being the victim of a serious injury. It is apparent that concerns over 24-hour drinking leading to a significant increase in alcohol fuelled violence and public nuisance across Sussex have not materialised, thanks to a robust response to the new legislation by Sussex Police and its partners.

**Lawrence Hobbs**  
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**Brighton & Hove**