

REPORT TO: LICENSING COMMITTEE

DATE: 18 JANUARY 2022

TITLE: THE RELATIONSHIP BETWEEN
LICENSING AND COMMUNITY SAFETY
POLICY AREAS

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RECOMMENDED that:

- A** The Licensing Committee note the content of the report, and approve the proposal that to optimise synergy of operation the Licensing Team work closely with the Community Safety Team to develop a Community Safety Strategy in the forthcoming municipal year.

BACKGROUND

1. The Council's Licensing and Community Safety Teams each have a core focus built around differing statutory roles: however both roles are intended to contribute to the prevention of crime and support of good order, public safety, prevention of public nuisance and the protection of children from harm. Making the best use of available measures to promote a safe and welcoming environment is critical to regeneration and ongoing success of Harlow's public places. There is thus a clear and a strong case to maximise the benefits of joint working.
2. The primary function of the Licensing Team is to process licence applications in a timely manner, having regard to appropriate legislation and guidance. The types of licence are diverse and varied, ranging from alcohol and entertainment, street trading, scrap metal, gambling and taxi and private hire. Enforcement of licensable activities is carried out to ensure compliance by licence holders.
3. The Community Safety Team manage the town's Public Space Protection Orders (PSPO's) and Council CCTV systems, and are involved in public protection matters such as anti-social behaviour, unauthorised encampments and issue Community Protection Warnings and Community Protection Notices. The team also support the police in enforcement operations.

4. The existing working relationship between the Licensing and Community Safety Teams is set out in the body of the report, and opportunities for the further strengthening of synergies are set out under Proposals below.

PUBLIC SPACE PROTECTION ORDERS (PSPOs)

5. Where it is necessary the Community Safety Team develops and submits PSPOs for approval at the Council's Cabinet. Harlow currently has two PSPOs in place which cover the town centre and restrict ball games, alcohol consumption and cycling. The Licensing Team are included in any consultation on such orders, particularly with regard to alcohol consumption.
6. When the PSPOs were introduced in 2019, visits were conducted jointly by teams to raise awareness with local businesses that held a premises licence for the sale or supply of alcohol in the town centre.

COUNCIL CCTV SYSTEM

7. The Data Controller for the Council's CCTV is the CCTV Technical Officer in the Community Safety Team. There are cameras at a number of locations in Harlow, with approximately two thirds in the town centre. CCTV information can be made available to the Licensing Team, should there be a legitimate and reasonable purpose for its use. CCTV may be used as part of any investigative work for complaints in relation to licenced activities.

TOWN CENTRE ENFORCEMENT

8. The town centre in Harlow with its concentration of businesses, visitors and residents, demands a similar concentration of enforcement activity.
9. The Licensing Team manages the application and grant of any Street Trading licences in the town centre under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, as well as arranging trader's pitch rental contracts to support the Council's Regeneration Team. The team carries out routine compliance checks with traders under street trading law provisions.
10. Under the Pedlars Act 1871, police forces grant a Pedlar's licence to a person who travels and trades on foot from town to town to sell their goods, wares or merchandise. The Community Safety Team provides assistance to the Regeneration Team to ensure compliance for those acting under a Pedlar's licence or moving on persons without authorisation under a Pedlar's licence. Pedlars are not required to apply for a Street Trading licence provided that they remain mobile and do not occupy a static pitch.
11. The town centre is home to over 50 licensed premises, from supermarkets, restaurants, drinking establishments and off-licences. Premises may be inspected for compliance or following a complaint by the Licensing Team.

WORKING WITH POLICE AND OTHER ENFORCEMENT AGENCIES

Community Safety

12. The Community Safety team has an important role to play in the community to improve quality of life, by making residents feel safer and provide reassurance in designated areas; the team achieves this by working with the community and partner agencies. The team makes presentations to the public and interested groups in order to provide responsible citizenship and attend community meetings to promote and support the development of residents associations and community groups.
13. The team engages with residents in tackling anti-social behaviour and fosters community spirit, pride and a sense of belonging, while also being a visual presence to deter anti-social behaviour and reduce the fear of crime. The team patrols all areas within the district of Harlow and enforces current legislation.
14. When required, team members may act as a professional witness and attend court in accordance with the Crime and Disorder Act and generally assist in reporting and investigating acts of anti-social behaviour.
15. Team members are required to attend training and achieve accreditation under the Community Safety Accreditation Scheme. The team must keep up to date with changes to relevant legislation so that it can be implemented effectively.

Licensing

16. The Licensing Team works closely with Police Licensing Officers, Essex Police being the designated Responsible Authority under the Licensing Act 2003 for Crime and Disorder issues. Through police Licensing Officers, Essex Police are kept up to date with all applications and decisions. The Licensing Team has established good communication with their police counterparts regarding licensed premises and conduct joint visits together when complaints and issues arise.
17. The Licensing Team also communicates with the police through Common Law Disclosure information sharing about taxi and private hire drivers. Drivers are required to inform the Council of any substantive involvement with the police such as an arrest or receiving a court summons. This information exchange allows the Licensing Team to make properly informed decisions regarding a driver's fit and proper person status to continue to hold a driver licence.
18. Any sharing of data with the police for both teams is authorised under the Essex Police / Harlow Council Data Sharing Protocol.

ISSUES

19. Consultation on licensing applications allows licensing decisions to reflect available intelligence. Whilst Essex Police are the Responsible Authority for Crime and Disorder, it is already part of the remit of the Community Safety team to liaise with Police over relevant issues. Strengthening the role of Community Safety in this consultation process offers the opportunity to broaden the available intelligence to

ensure the best decisions; and to more widely share ownership of licensing conditions which may help to make the best use of available enforcement resources.

20. The statutory role of the licensing team is dominated by administrative processes: whilst breaches of licence conditions are investigated, and where necessary action through the Courts is taken, the licensing team by its nature does not regularly form a visible presence in the community. Where appropriate Community Safety Officers can provide a visible presence and act as eyes and ears. Well-devised licensing controls that reflect Community Safety intelligence should bring shared ownership of joint developed goals to build on existing synergies.
21. Management of both teams has recently been drawn together within the Council's Community and Environment Directorate; and it is proposed that a Community Safety Strategy be developed over the forthcoming municipal year.

PROPOSALS

22. It is proposed that the Licensing team engage closely with the Community Safety team during the development of the Council's Community Safety Strategy, seeking examples of good practice from the wider local government community, with a view to addressing the matters set out at Issues above.

IMPLICATIONS

Strategic Growth and Regeneration

Making the best use of measures that can counter concerns about crime disorder and antisocial behaviour is expected to support successful regeneration of public spaces.

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Finance

None specific.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

As outlined in the report.

Author: Andrew Murray, Director of Housing

Community and Environment

As set out in the report.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

None specific.

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

None.