

# Annual Licensing Report

2011

*Making everywhere in Amber Valley a great place to live.*



**Amber Valley**  
Borough Council



# Contents

Foreword by the Chairman of the Licensing Board	4
The Council's Vision and Ambition	5
People Commitment	6
Introduction	7
Council's Licensing Function	7
Licensing Objectives	7
The Licensing Board	8
The Licensing Team	8
Derbyshire Licensing Group	8
Licences	9
Licensing Applications	9
Statement of Licensing Policy	10
Gambling Policy Statement	10
DCMS Statistical Returns	11
Gambling Commission Yearly Returns	11
Licensing Web Pages	11
Electronic Licence Management System	11
Licensing Hearings	12
Multi Agency Enforcement	12
Violence and Alcohol Licensing Partnership	13
Formal Cautions and Prosecutions	14
Rock and Blues Festival	14
Bearded Theory Festival	14
Taxi Licensing	15
Independent Research Report	16
Taxi Quality Partnership	16
Taxi and Private Hire Enforcement	16
Multi Agency Working	16
New Taxi Rank	17
Draft Forward Work Programme 2010/11	17
Contacts	18

## Foreword by the Chairman

It is now over a year since the Coalition Government was formed and part of their commitment was to overhaul the Licensing Act 2003 to give local communities a greater say in local licensing decisions.

The Council responded last year to the Government's consultation on "Rebalancing the Licensing Act" which has now been passed through parliament but as yet has no implementation date.

The Council has responded to the current proposals to deregulate entertainment (with the exception of boxing and wrestling) from the Licensing Act, and we await any further changes in legislation and will respond accordingly to such challenges.

In April this year the Government relaxed licensing hours to enable people to enjoy the Royal Wedding and it is proposed that this will be repeated next year for the Queen's Diamond Jubilee.

The Board remains committed to partnership working with other agencies such as trading standards and the police and fire authorities, which ensures Amber Valley remains a pleasant and safe community, whilst also offering nighttime licensed facilities in both town centres and rural areas.

In my role as Chairman of the Licensing Board I will continue to ensure that the views and concerns of all residents will be considered, as well as those of the licensing trade and that all decisions made by the Board are appropriate to the circumstances as well as the four licensing objectives.

We welcome feedback on this report and the Licensing Team is always available to give advice and assistance on any licensing matter.

Allen King  
Chairman of the Licensing Board  
*December 2011*



*Allen King*

*Chairman of the  
Licensing Board*

# How Licensing relates to the Council's vision and ambition

Amber Valley covers an area of over 265 square kilometres and is made up of the four market towns of Alfreton , Belper, Heanor and Ripley, as well as many villages and other smaller settlements.

The Council's vision is making everywhere in Amber Valley a great place to live.

Understanding the values adopted by the Council to drive this forward lie at the heart of everything we do and provides a framework for our actions. Licensing is not just about regulating licensing activities – the way in which we carry out these activities is just as important.

Effective licensing directly contributes to the Council's commitment to improving the well being of those that live, work and visit the Borough through progressive partnership working which recognises the need for a strong local economy.



# Amber Valley Borough Council's Values – People Commitment

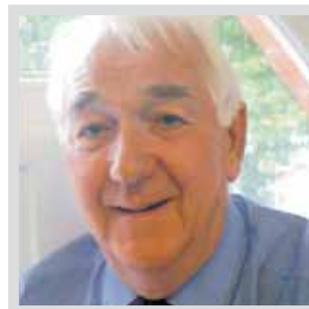
The Council's vision is making everywhere in Amber Valley a great place to live. We have five values that lie at the heart of everything we do and help us make a difference for Amber Valley. The first of those values is "Excellent People Focus". Through this value we will support equal life chances by building our understanding and addressing the inequalities and barriers within and between Amber Valley communities, challenging any assumptions we may have and ensuring our services deliver outcomes and improvements that are accessible to local people.

- Underpinning our vision and values we commit to making a difference for Amber Valley by:
- Working to eliminate unlawful discrimination, harassment and victimisation within Amber Valley.
- Ensuring that Councillors and our staff are clear about their roles and responsibilities to the residents of Amber Valley.
- Employing a diverse and inclusive workforce that represents the communities we serve.
- Ensuring Councillors and our staff respect each other and other people, value difference and develop strong and cohesive communities.
- Equipping Councillors and our staff with the skills to challenge and work with our partners to deliver services that meet people's needs.
- Providing all staff with the opportunities to develop themselves so they can achieve their full potential.
- Understanding the make-up and needs of Amber Valley communities, and guarding against making assumptions about these communities.

- Ensuring that we consult with Amber Valley communities about service changes and improvements.
- Assessing the impact of our services, policies and activities on specific communities.
- Ensuring our services are accessible and designed to meet the diverse needs of Amber Valley communities.
- Promoting equality and diversity in everything we do and encouraging other organisations that we deal with to do the same.

By signing this commitment we will be making a difference to the lives of the residents of Amber Valley.

Signed:



**Stuart Bradford**  
Leader of the Council



**Peter Carney**  
Chief Executive

## Introduction

Amber Valley Borough Council's Licensing Team was formed in 2005 to process and grant licences and notices under the Licensing Act 2003, which has been in force since November 2005.

The 2005 Gambling Act followed, this Act was fully implemented in September 2007.

The Licensing Team deals with liquor licensing, certain gambling matters and taxi and private hire licensing.

## Council's Licensing Function

The Council carries out its functions of promoting the four licensing objectives in accordance with the requirements of the 2003 Act.

In carrying out licensing functions, the Council has regard to national guidance and its licensing statement.

## Licensing Objectives

The Licensing Act 2003 and The Gambling Act 2005 requires the Council to carry out licensing functions so as to promote the following respective licensing objectives:

### The Licensing Act 2003

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

### The Gambling Act 2005

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way;
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

# The Licensing Board

## The Licensing Board comprises:

Councillor Allen King (Chairman)

Councillor John Nelson (Vice Chairman)

Councillor Lewis Allsebrook

Councillor Marlene Bennett MBE

Councillor Elizabeth Bowley

Councillor Gail Dolman

Councillor Mel Hall

Councillor John McCabe

Councillor George Parkes

Councillor Terry Thorpe

Councillor Valerie Thorpe

Councillor Angela Ward

## The Licensing Team **Derbyshire Licensing Group**

The Licensing Team consists of the Licensing Manager, a Licensing Enforcement Officer (part-time), two full time Licensing Officers and one part time Licensing Officer.

The Licensing Section aims to meet the needs of all its customers by treating each application on its own merit within set timescales.

Where applicants have difficulty in fulfilling the requirements under a particular type of licence, then they will be provided with a full explanation as to why they are unable to obtain that licence at that particular time.

Staff will give full guidance on all licensing applications upon request.

The Licensing Manager attends the Derbyshire Licensing Group meeting on a quarterly basis. The group consists of representatives from all Derbyshire local authorities, the Gambling Commission, Derbyshire Constabulary, Derbyshire Fire Authority, Derbyshire Trading Standards and Safeguarding Children's Board. The purpose of the group is to

(a) ensure that Derbyshire authorities deliver a consistent service under the legislation and (b) provide a forum to discuss any multi agency issues.

As of this year taxi issues are now also discussed at this group meeting.

# Licensing Applications

This table shows the number of licences the Licensing Team dealt with from January – October 2011.

Personal Licences	47
Premises Licences	26
Review of Premises Licence/Club Premises Certificate	1
Club Premises Certificates	0
Transfer of premises licence	30
Variation of premises licence/minor variations	19
Designated Premises Supervisor Variations	104
Change Notifications	34
Number of Street Collections	59
Number of House to House Collections	38
Gaming Machine permits	23
Gambling Act 2005 Premises licences	0
Surrender of Premises Licence	10
Temporary Event Notices	207
Hypnotism	0
Small Society Lotteries	19
Driver licences	255
Vehicles licences	123
Operator licences (three year licence)	7
Appeals	0
<b>Total</b>	<b>1002 (compared with 1151 last year)</b>



## Licences

Amber Valley Borough Council is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.

Other licensing activities include Street Collections, House-to-House Collections, Scrap Metal Dealers and Motor Salvage.

Under the Gambling Act 2005 the Licensing Team issues Premises Licenses, Gaming Machine Permits, Gaming Permits, Small Society Lottery Registrations, Temporary Use Notices (TUN) and Occasional Use Notices (OUN).

The Team also process applications for Taxi licences (sometimes referred to as Hackney Carriages), Private Hire Vehicles, Driver's Licences, and Private Hire Operators.



## Statement of Licensing Policy

Full Council approved the current Statement of Licensing Policy in December 2010 and this came into effect on 7 January 2011.

The policy can be viewed on the following link:

<http://opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=f081d59ae1cf409f8c2fce067b820af8>



## Gambling Policy Statement

Full Council approved the current Gambling Policy Statement in December 2009. This current policy runs from 31 January 2010 until 30 January 2013.

The policy can be viewed on the following link:

<http://opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=7fe69ec3964845ec81b058d731cde814>

## Department of Culture, Media and Sport Statistical Return

At the end of each financial year a statistical return was submitted to the Department of Culture, Media and Sport. This is a detailed return providing information on the numbers of different licences issued, surrendered, withdrawn, reviewed etc. It also includes the types of licences, the licensable activities authorised under the licences and those premises where the sale of alcohol is permitted for 24 hours in the day.

## Gambling Commission Yearly Returns

Yearly returns were submitted to the Gambling Commission on the numbers of permits issued, reviews that are carried out, Occasional Use Notices and Temporary Use Notices that are issued.

## Licensing Web Pages

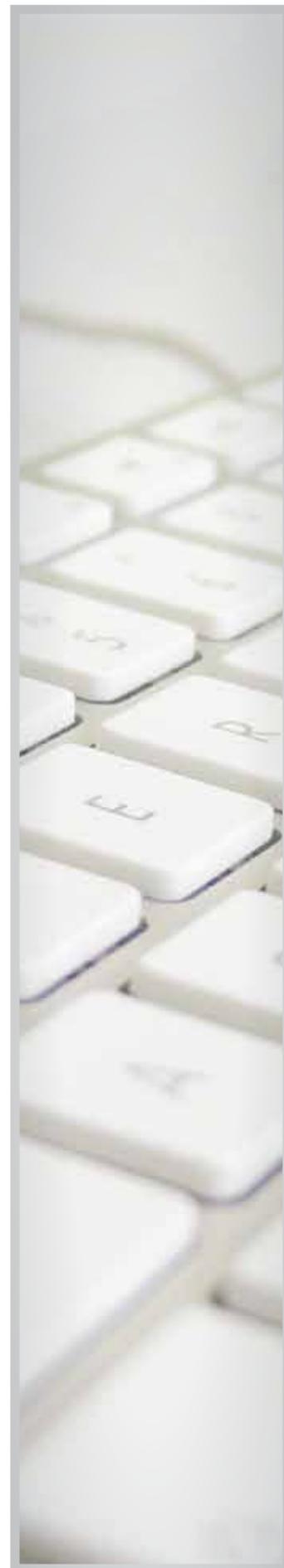
The Licensing Team continuously updates all information given on the licensing, gambling and taxi web pages. The site gives considerable information on all aspects of licensing including the provision of application forms and guidance notes.

<http://www.ambervalley.gov.uk/business/licences-and-street-trading.aspx>

## Electronic Licence Management System

Since the end of 2009 applicants have been able to apply online for some licences.

The number of applications made via this service has increased considerably this year, but the majority of applications made this way are by members of the public wishing to serve Temporary Event Notices.





## Licensing Hearings

The Licensing Board met on two occasions during the past year to discuss numerous policy issues in relation to licensing, gambling and taxis.

Since January 2011 we have held 3 Licensing Panel Hearings to resolve applications under the Licensing Act 2003.

## Multi Agency Enforcement

The Derby and Derbyshire Licensing Enforcement Protocol is followed in any enforcement duties carried out by the Licensing Team.

The protocol seeks to build upon the good working relationships, which currently exists between the enforcement agencies. All parties recognise the importance of effective co-operation and liaison, to ensure those with responsibilities under the Licensing Act 2003 understands and complies with the law.

The policy can be viewed on the following link:

<http://opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=7e56e112f1954d88bce99cde4e90cb39>

# Violence and Alcohol Licensing Partnership

Amber Valley Borough Council's Licensing Team is part of the Violence and Alcohol Licensing (VAL) Partnership. The partnership was set up to reduce alcohol related violence relating to licensed premises. This partnership consists of Amber Valley Borough Council, (Licensing and Community Safety Partnership), Derbyshire Constabulary, Derbyshire Fire and Rescue Service, Derbyshire Trading Standards and Derbyshire Primary Care Trust. The partnership meets on a quarterly basis.

The initial project undertaken by the group was the production of a licensing pack. This pack contains guidance and the necessary information required to enable premises to be fully compliant with the 2003 Licensing Act. It gives templates to enable premises to create fire/risk assessments, refusals/incident logs, designated authority authorisations etc. The pack has been distributed to all licensed premises and gives contact numbers for all the responsible authorities.

The Police forward a daily log of all incidents that occur in licensed premises to the responsible authorities. The Licensing Team then give each incident a matrix score from 1 to 10. This matrix is then discussed at the VAL meeting who prioritise premises and a multi agency visit is made to the premises.

The Licensing Team participates in multi agency work with other responsible authorities to ensure the smooth running of all licensed premises. The Team has done numerous multi agency exercises throughout the year with Derbyshire Constabulary, Derbyshire Fire and Rescue Service, Derbyshire Trading Standards and the Security Industry Authority.

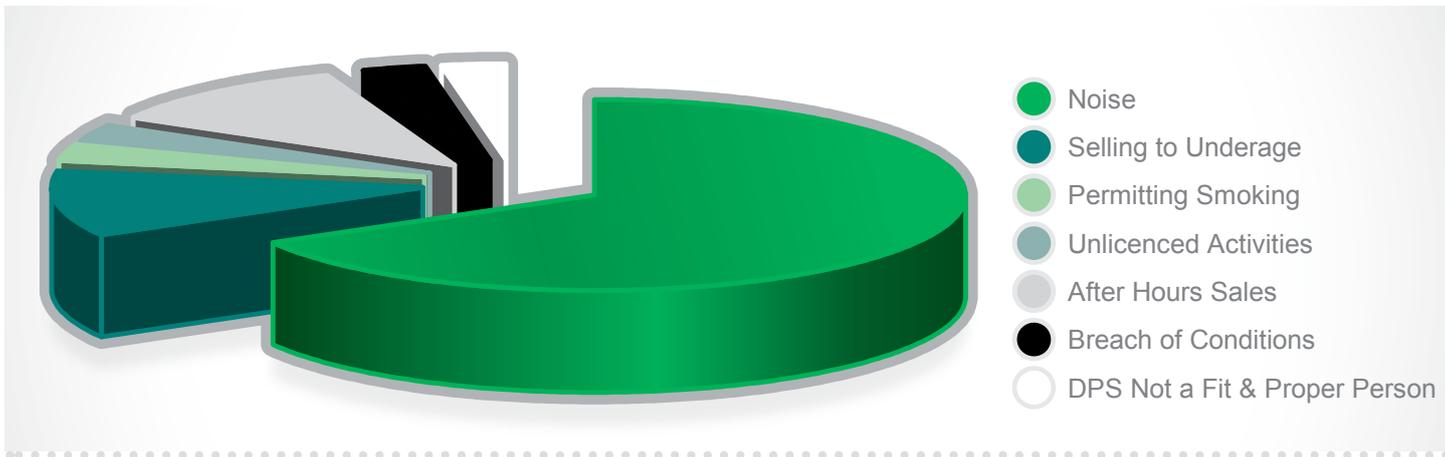
All information discussed at the VAL meetings is cascaded down to licensees at their local pub watch meetings.

Both Derbyshire Constabulary and the Licensing Team make routine visits to premises. Infringement notices are issued to premises where they fail to comply with the 2003 Licensing Act or the conditions attached to their licence. The Premises Licence Holder is also made aware of these infringements, requesting that they assist the Designated Premises Supervisor in their duties.

The Licensing Team has visited a total of 210 licensed premises since the beginning of this year.

Whilst visiting licensed premises the Council's Environmental Health Team check that the Premises Licence Summary is displayed in accordance with the 2003 Act. From January to October Environmental Health Officers have checked 55 licence summaries and informed the Licensing Team of any discrepancies.

The Licensing Team has received 36 complaints from residents in respect of licensed premises this year. All complaints are dealt with directly by the Team and have mainly been brought to a satisfactory conclusion. Where the officers have not been able to reach a negotiation between parties, an application to review the premises licence has been made. A review is an option that can be made by local residents or responsible authorities.



## The Rock and Blues Festival

The Rock and Blues Festival returned to Coney Grey Farm Pentrich, although on a much smaller scale than in previous years between Thursday 28th July and Sunday 30th July 2011. No issues were raised; all licensable activities ceased at the appointed times and no complaints were received by the Licensing Team from members of the public after the event.



## The Bearded Theory Festival

The Bearded Theory Festival came to Amber Valley for the first time this year. It was held in the grounds of Kedleston Hall between Friday 13 May and Sunday 15 May.

This is a family festival which was held over 3 days and approximately 5,000 visitors attended. The festival will be returning next year and it is anticipated larger numbers will be attending.

The festival was very well run and a large amount of time and effort was put into the planning of this event by the Council's Health and Safety and Noise Pollution Sections. Enforcement was carried out by the Council during the late hours of the festival to ensure that noise nuisance was not an issue and both pre and post festival meetings were held between the organisers of the event and the Council to ensure that the festival was run efficiently to ensure the safety and well being of visitors to the festival and with minimal impact on neighbouring residents.

Several noise complaints were received by the Council following this event and discussions have been held with the organisers to discuss steps that will minimise any future noise complaints.



*Kedleston Hall, venue for the 2011 Bearded Theory Festival.*

# Taxi Licensing

Amber Valley Borough Council seeks to promote the following objectives in respect of taxi licensing

- The protection of public health and safety
- The establishment of professional and respected hackney carriage and private hire trades
- Access to an efficient and effective public transport service
- Protection of the environment

## AS OF 1 NOVEMBER 2011 THERE WERE...



**296 LICENSED DRIVERS**  
**166 LICENSED HACKNEY CARIAGES**  
**70 LICENSED PRIVATE HIRE VEHICLES**  
**40 LICENSED PRIVATE HIRE OPERATORS**

All licence holders are required to adhere to the relevant legislation, conditions of their licence and byelaws.

The Council issues vehicle licences for a period of 12 months and in order to be granted a licence or have a licence renewed, each vehicle has to undertake an inspection every 6 months at the Council's approved Vehicle Testing Station.

The vehicle proprietor has to make a vehicle test appointment with the Licensing Team. Prior to undertaking the test the driver must produce the MOT, the Insurance Certificate and pay all the necessary fees.

If the vehicle passes the examination then the driver is issued with a pass certificate and the proprietor is issued with a licence.

The Team issues driver licences for a period of 12 months and before granting a licence it must be satisfied that the applicant is a fit and proper person to hold such a licence and has, for at least 24 months been authorised to drive a motor vehicle. The following criteria are used in assessing the suitability of applicants:

- The completion of an application form (which provides information as to an applicants' history in relation to criminal, driving and licensing matters);
- A full driving licence issued in the UK, EC or EEA;
- Local knowledge test
- Medical Certificate
- A criminal records bureau (CRB) basic disclosure

A driver application pack is available on request or from the Council's website, this includes all relevant information and application forms.

All new drivers must confirm that they have the right to work in the United Kingdom and any foreign national or applicant who had lived abroad for six continuous months or more within the past five years will be required to produce a document from the relevant Government or Embassy of their country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record.

It is the Council's policy that all new drivers undertake Disability Awareness Training; the Derbyshire Coalition for Inclusive Living (DCIL) currently provides this training.

The Licensing Team is always obliged for the assistance and advice given to them by Amber Valley Access Group.

# Taxi Quality Partnership

The Taxi Quality Partnership was formed in July 2009 and the Chairman and Vice Chairman of the Licensing Board and Officers meet representatives from the taxi trade. There is no set time scale for these meetings. A meeting will be arranged at the request of any member of the taxi trade.

These meetings provide an opportunity to:-

- Exchange information
- Raise/discuss concerns
- Consult at an early stage on proposals that affect the trade
- Comment on the service provided by the Council
- Maintain and develop relationships
- Promote the Council's objectives and
- Provide a better understanding between the trades.

The trade are always informed in writing of any changes to policies or general working practices within the Licensing Team.



## Taxi and Private Hire Enforcement

The Council employs an Enforcement Officer to ensure that there is compliance with the legislation and the Council's conditions so that public safety is not put at risk.

The Enforcement Officer carries out weekly checks on drivers and vehicles parked on the ranks, to date 99 routine checks have been carried out so far this year.

The Team has dealt with 37 complaints concerning taxis this year. The Licensing Manager and Enforcement Officer have delegated powers to deal with any minor taxi infringements.

---

## Multi Agency Working

The Enforcement Officer has participated in 4 multi agency exercises this year with the police and VOSA (Vehicle and Operator Services Agency) carrying out random checks on Hackney Carriages and Private Hire Vehicles within the district.

Similar checks carried out within the Derbyshire and Nottinghamshire areas show up to 30% of vehicles with dangerous defects. The Licensing Team commend the trade within Amber Valley on the high standard of their vehicles as in this area only 5.3% were found to have dangerous defects.

When a vehicle is given a Prohibition Notice by VOSA the vehicle is taken off the road until the defect is repaired. The vehicle must then undergo a full MOT before being allowed back on the road.

# 93

**VEHICLES  
CHECKED**

# 20

**CAUTIONS ISSUED  
FOR MINOR  
DEFECTS**

# 3

**PROHIBITION  
NOTICES**

## Taxi Licensing Policy

The Draft Policy is now in its final stages and will be going out for public consultation early next year.

## Draft Forward Work Programme 2011/12

- 1** Submit Draft Taxi Policy out to general public for consultation.
- 2** Developing the Council's website in respect of licensing functions and ensure it is continuously updated with new legislation.
- 3** Attendance in any Multi Agency Partnership operations
- 4** Convening meetings of the Taxi Quality Partnership and/or keeping the trade informed of any changes in practices or legislation.
- 5** Continued participation with the Violence and Alcohol Licensing (VAL) Partnership
- 6** Continued participation with the Derbyshire Licensing Meetings
- 7** Consider and determine delegated licensing applications within the statutory time limits
- 8** Liaison with the Chairman and Members of the Licensing Board regarding licensing matters
- 9** Preparation of the Annual Licensing Report for presentation to the Full Council
- 10** Preparation of Licensing Reports and convening meetings of the Licensing Board
- 11** Training members
- 12** Complete yearly Gambling statistics and return to the Gambling Commission
- 13** Complete yearly Licensing Statistics and return to the Department of Culture, Media and Sport
- 14** Other matters as determined by the Board during the course of the year

# Contacts

For further information about the role of the Licensing Team or general licensing/gambling issues in general, please contact:

**Heather Adams**  
**Licensing Manager**

Amber Valley Borough Council  
PO Box 15  
Town Hall  
Ripley  
Derbyshire  
DE5 3XE

[ T ] 01773 841602

[ E ] [heather.adams@ambervalley.gov.uk](mailto:heather.adams@ambervalley.gov.uk)

[www.ambervalley.gov.uk](http://www.ambervalley.gov.uk)





**Designed and Published by Amber Valley Borough Council.**

Amber Valley Borough Council, Town Hall, Market Place, Ripley, Derbyshire, DE5 3BT.