

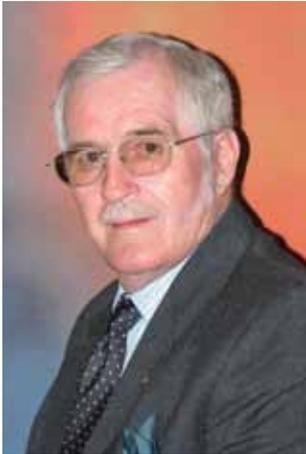
Licensing: Annual Report 2009 - 2010



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Foreword by the Chairman



Councillor
Allen King JP
Chairman of the
Licensing Board

This year has seen a new Government elected committed to overhauling the Licensing Act 2003 to give local communities a greater say in local licensing decisions.

The Council has responded to the Government's consultation on "Rebalancing the Licensing Act" and we await the changes in legislation and will respond accordingly to such challenges.

As in previous years the Board has remained committed to partnership working. This has seen multi agency teamwork ensure that Amber Valley continues to be a pleasant and safe place to live, whilst still offering a vibrant night time economy.

In my role as Chairman of the Licensing Board I have ensured that the views and concerns of residents have been considered, as well as those of the licensing trade and that all decisions made by the Board have been appropriate to the circumstances as well as the four licensing objectives.

We welcome feedback on this report and will consider any suggestions people make about how the licensing work can develop.

Allen King JP
Chairman of the Licensing Board
December 2010



How Licensing relates to the Council's Vision & Ambitions

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 and ambition is:
'To improve the sustainability and well-being of local communities.'**

Understanding the values adopted by the Council to drive this forward lies 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 providing a safe environment 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 to improve the sustainability and well being of local communities. 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 Licence 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.



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 Stuart Bradford
Councillor Gail Dolman
Councillor Barry Lewis
Councillor John McCabe
Councillor George Parkes
Councillor Terry Thorpe
Councillor Valerie Thorpe

The Licensing Team

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.

Derbyshire Licensing Group

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.



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 Licences, 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.



Additional Mandatory Conditions

The previous Government announced five new mandatory licensing conditions this year to be attached to all Premises Licences and Club Premises Certificates.

The Conditions were introduced in two stages, conditions 1 to 3 came into effect on 6 April 2010 and conditions 4 and 5 came into effect on 1 October 2010.

The additional Mandatory Licensing Conditions are as follows:

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:

- (i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.





Licensing Applications

This table shows the number of licences the Licensing Team dealt with from January - October 2010.

Personal Licences	62
Premises Licences	22
Review of Premises Licence/Club Premises Certificate	4
Club Premises Certificates	0
Transfer of premises licence	37
Variation of premises licence/minor variations	25
Designated Premises Supervisor Variations	124
Change Notifications	34
Number of Street Collections	55
Number of House to House Collections	30
Gaming Machine permits	48
Gambling Act 2005 Premises licences	0
Surrender of Premises Licence	21
Temporary Event Notices	219
Hypnotism	0
Small Society Lotteries	8
Driver licences	267
Vehicles licences	192
Operator licences (three year licence)	3
Appeals	0
Total	1151 (compared to 1133 last year)

Statement of Licensing Policy

Full Council approved the current Statement of Licensing Policy in December 2007. The current policy runs from the 7 January 2008 and is effective until 6 January 2011.

www.ambervalley.gov.uk/NR/rdonlyres/867FBC28-7FD1-4201-861A-D2B93E5178FD/0/LICENSINGPOLICYSTATEMENT17DEC07.pdf

Consultation on the revised policy ran from 16 August - 7 November 2010 and will be presented to Full Council on 15 December 2010 for approval and full implementation will take place on 7 January 2011.

The draft policy can be viewed on the following link:

www.ambervalley.gov.uk/NR/rdonlyres/90916708-6A4B-43E5-81FD-D05314E30D4A/0/Draft2010Policy.pdf

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:

www.ambervalley.gov.uk/NR/rdonlyres/7A0EEAFE-D39D-4E3F-8665-F04ED612C3B8/0/2010StatementofPrinciples.doc



Department of Culture, Media & 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.

www.ambervalley.gov.uk/services/governmentpoliticsandpublicadministration/Licensing/



Electronic Licence Management System

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

To date this service has only been used by members of the public wishing to serve for Temporary Event Notices.

Licence Hearings

The Licensing Board met on 3 occasions during the year to discuss numerous policy issues in relation to licensing, gambling and taxis.

Since January 2010 we have held 6 Licensing Panel Hearings to resolve 7 applications under the Licensing Act 2003.

2 review applications against licensed premises were made this year, both went before a Licensing Panel who agreed that additional conditions be added to the premises licences to ensure compliance with the four licensing objectives.

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 understand and comply with the law.

www.ambervalley.gov.uk/NR/rdonlyres/E508D6A7-CC4B-4E8A-BF32-6D2B0D3789AB/0/EnforcementProtocolLicensingact2003_Finaldraft_.pdf



Violence & 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 and Erewash Borough Councils, (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 9. 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.

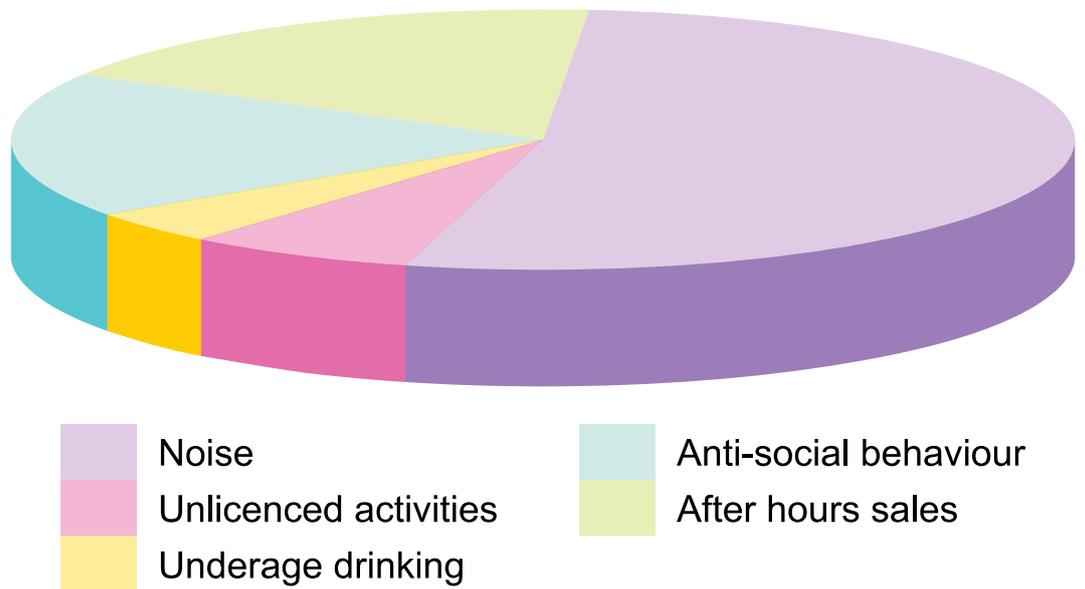
The Licensing Team has visited a total of 162 licensed premises since the beginning of this year.

The Licensing Team has received 26 complaints from residents in respect of licensed premises this year. All complaints are dealt with directly by the section 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.

Formal Cautions & Prosecutions

Following complaints received by the section from members of the public, enforcement action was taken against late night refreshment venues within the area. This enforcement has resulted in 5 formal cautions being issued in respect of premises trading beyond their permitted hours and 3 premises are currently awaiting prosecution for repeated offences of serving beyond their permitted trading hours.

Breakdown of Licensing Complaints received this year



The Rock & Blues Festival

The Rock and Blues Festival returned to Coney Grey Farm between Thursday 29th July and Sunday 1st August 2010. The Licensing Team carried out joint enforcement exercises with the police, fire service and the Council's Regulation Sections during the event. 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.



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 2010 there were 275 licensed drivers, 167 licensed hackney carriages, 52 licensed private hire vehicles and 36 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) enhanced 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 has 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.

Independent Research Report

In August 2008 an independent survey was carried out at the request of Amber Valley Borough Council to consult people with disabilities on the issue of taxi provision within the area.

The results showed a preference by disabled people for a mixed fleet of saloon and wheelchair accessible hackney vehicles. Currently there are 167 licensed hackney carriages, 62 of which are wheel chair accessible. Currently 37% of all hackney carriages are wheel chair accessible.

This report can be viewed on the Council's website:

<http://www.ambervalley.gov.uk/NR/rdonlyres/F5D7410C-78B9-43AF-A084-79AD2669E314/0/AmberValleyRevisedReport2008SRA.pdf>



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. It is aimed to hold these meetings bi annually.

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.



Taxi & 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.

The Team has dealt with 27 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 three 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.

Vehicles Checked	Cautions Issued for Minor Defects	Prohibition Notices
88	14	4

Similar checks made in other areas show up to 33% of vehicles with dangerous defects. The Licensing Section wish to commend the trade on the standard of vehicles in our area as only 4.5% 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.

New Taxi Rank

A new taxi rank has been appointed on the south side of Nottingham Road, Ripley, between Church Street and Grosvenor Road. This will allow 9 hackney carriages to stand 7 days per week between midnight and 06.00 hours.

Once the rank has been painted and signs erected it will become fully operational and will hopefully reduce the current congestion caused by hackney carriages parking on the corner of Church Street and Nottingham Road.



Draft Forward Work Programme 2010/11

1. Prepare final draft policy for consultation on the Licensing Taxi Policy.
2. Prepare final draft policy for consultation on Sexual Entertainment Venues.
3. Developing the Council's website in respect of licensing functions.
4. Distribute the approved Licensing Policy Statement.
5. Attendance in any Multi Agency Partnership operations.
6. Convening meetings of the Taxi Quality Partnership.
7. Continued participation with the Violence and Alcohol Licensing (VAL) Partnership.
8. Continued participation with the Derbyshire Licensing Meetings.
9. Consider and determine delegated licensing applications within the statutory time limits.
10. Liaison with the Chairman and Members of the Licensing Board regarding licensing matters.
11. Preparation of the Annual Licensing Report for presentation to the Full Council.
12. Preparation of Licensing Reports and convening meetings of the Licensing Board.
13. Training members.
14. Complete yearly Gambling statistics and return to the Gambling Commission.
15. Complete yearly Licensing Statistics and return to the Department of Culture, Media and Sport.
16. 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:

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