

Annual Licensing Report

2011/2012

Making everywhere in Amber Valley a great place to live.



Amber Valley
Borough Council



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FOREWORD BY THE CHAIRMAN

Following the Coalition Government's commitment to overhaul the Licensing Act 2003, this year has seen a number of changes in licensing legislation, the emphasis has been on deregulation of licensing activities and increasing transparency in service delivery.

The Live Music Act 2012 provides that any amplified live music played on premises that are licensed for the sale or supply of alcohol for consumption on the premises will no longer be licensable when it is performed between 8 am and 11 pm, provided the premises are open for the sale of alcohol for consumption on the premises and the audience is less than 200 persons.

Unamplified music is no longer a licensable activity between the above hours, no matter what the audience is and no matter where it is played (or sung).

Major amendments have been made in relation to Temporary Events Notices, ('TENS'), increasing both the number of Notices that may be given and extending each notice up to a maximum period of 168 hours.

There is now the provision for two types of TEN, a standard TEN (to be served 10 working days notice before the event) and a late TEN (to be served not before 9 and not later than 5 working days before the event).

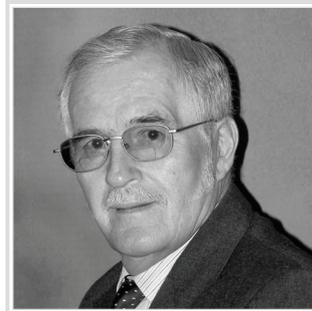
The Council is now required to suspend licenses if the annual fee is not paid. This new measure will not impact on responsible businesses that pay their licence fees on time.

Notifications of all new applications for Premises Licences and Club Premises Certificates, full variations and minor variations are now displayed on the Council's website. This enables members of the public to view any new applications made within the borough and gives them an opportunity to make representations.

The Council's Licensing Authority and the Primary Care Trust have been added to the list of Responsible Authorities under the Licensing Act 2003.

The implementation of Early Morning Restriction Orders came into effect on 31 October 2012, which permits the Council to restrict the opening hours of licensed premises to assist in the prevention of alcohol related crime.

Amber Valley Borough Council covers four towns and is mainly a rural borough and the current level of alcohol related crime and disorder issues within these town centres would not justify the implementation of Early Morning Restriction Orders at this current time.



Allen King
Chairman of the Licensing Board
December 2012

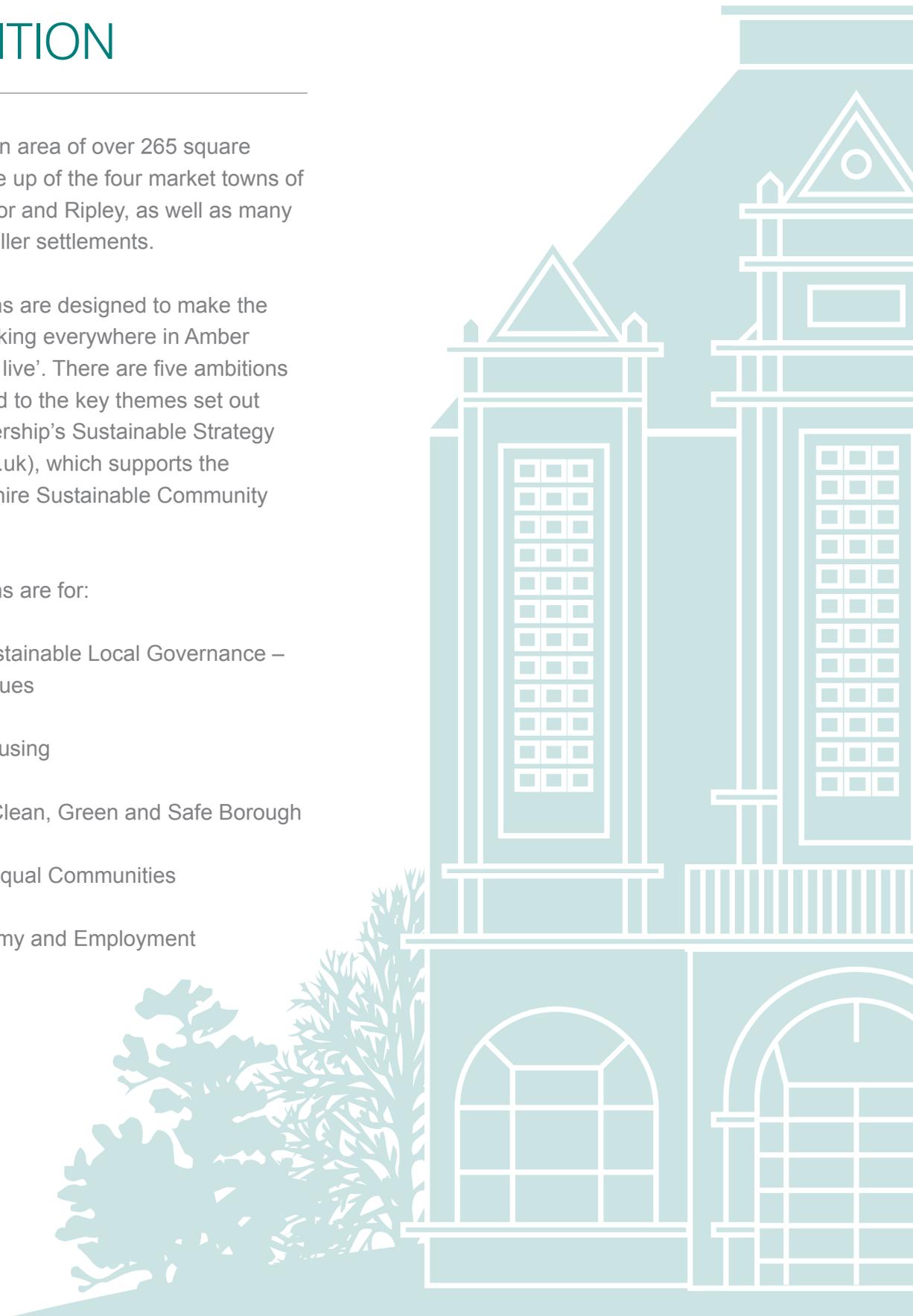
HOW LICENSING RELATES TO THE COUNCIL'S VISION AND AMBITION

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 ambitions are designed to make the most difference to 'making everywhere in Amber Valley a great place to live'. There are five ambitions that are directly aligned to the key themes set out in Amber Valley Partnership's Sustainable Strategy (www.ambervalley.gov.uk), which supports the delivery of the Derbyshire Sustainable Community Strategy.

The Council's ambitions are for:

- Vibrant and Sustainable Local Governance – meeting our values
- Sustainable Housing
- A Sustainably Clean, Green and Safe Borough
- Healthier and Equal Communities
- Thriving Economy and Employment



AMBER VALLEY BOROUGH COUNCIL'S VALUES – PEOPLE COMMITMENT

Our five values 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.

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

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 all of our staff and Councillors 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 our staff and Councillors respect each other and other people, value difference and develop strong and cohesive communities.
- Equipping our staff and Councillors 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.

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 Marlene Bennett MBE
Councillor Elizabeth Bowley
Councillor Jacqueline Cox
Councillor Gail Dolman

Councillor Eileen Hamilton
Councillor Tony Holmes
Councillor George Parkes
Councillor Valerie Thorpe
Councillor Angela Ward

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.

Taxi Licensing issues are also discussed at this group meeting.

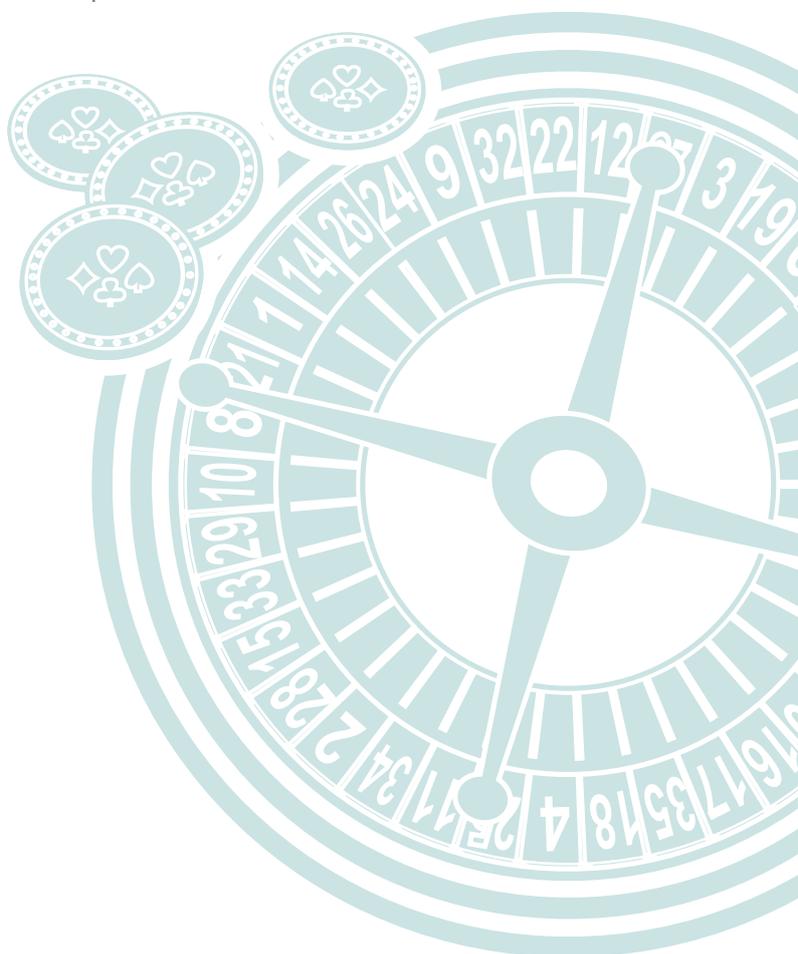
LICENCES

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.



LICENSING APPLICATIONS

This table shows the number of licences the Licensing Team dealt with from January – October 2012.

	2012	2011
Personal Licences	75	47
Premises Licences	18	26
Review of Premises Licence/Club Premises Certificate	1	1
Club Premises Certificates	0	0
Transfer of premises licence	38	30
Variation of premises licence/minor variations	24	19
Designated Premises Supervisor Variations	93	104
Change Notifications	37	34
Number of Street Collections	74	59
Number of House to House Collections	34	38
Gaming Machine permits	18	23
Gambling Act 2005 Premises licences	0	0
Surrender of Premises Licence	21	10
Temporary Event Notices	226	207
Revocation	1	0
Small Society Lotteries	13	19
Driver licences	277	255
Vehicles licences	140	123
Operator licences (three year licence)	8	7
Appeals	0	0
Total	1098 9% increase compared to last year)	1002

STATEMENT OF LICENSING POLICY

Full Council approved the current Statement of Licensing Policy in December 2010. The current policy runs from the 7 January 2011 and is effective until 6 January 2014.

The policy can be viewed on the following link:

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

Due to the amount of legislative amendments to the Licensing Act 2003 over the past few months this policy is currently being updated and will shortly be distributed for consultation.

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>

An updated Gambling Policy Statement has been put out to consultation and the final draft version will be placed before Full Council on 12 December 2012 for final approval.

The draft policy can be viewed on the following link:

<http://opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=a574b3eb91f74a71856541732684a010>

HOME OFFICE STATISTICAL RETURN

At the end of each financial year a statistical return was submitted to the Home Office. 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 APPLICATIONS

GOV.UK Licensing has recently replaced the Electronic Licence Management System (ELMS).

The format is very similar and the system is still mainly by private individuals applying for Temporary Events Notices.

LICENSING HEARINGS

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

Since November 2011 we have held 6 Licensing Panel Hearings to resolve applications under the Licensing Act 2003.

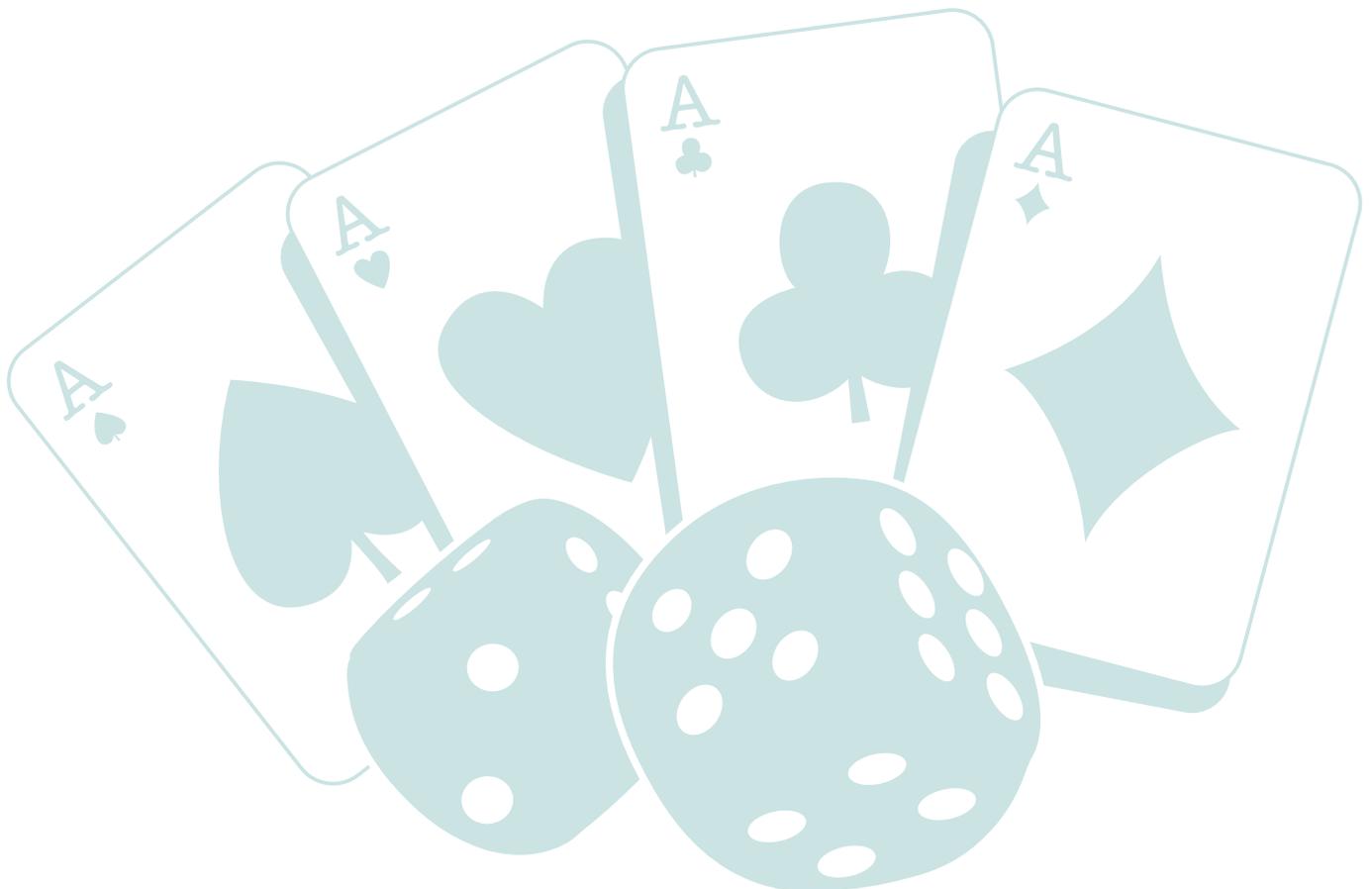
MULTI AGENCY ENFORCEMENT

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 understand and comply 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, Derbyshire Primary Care Trust and Derbyshire County Council's Community Safety Partnership. The partnership meets on a quarterly basis.

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.

Christmas campaigns are discussed and implemented via the VAL meetings to ensure the festive period is both an enjoyable but safe experience for both revellers visiting licensed premises and by residents alike.

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

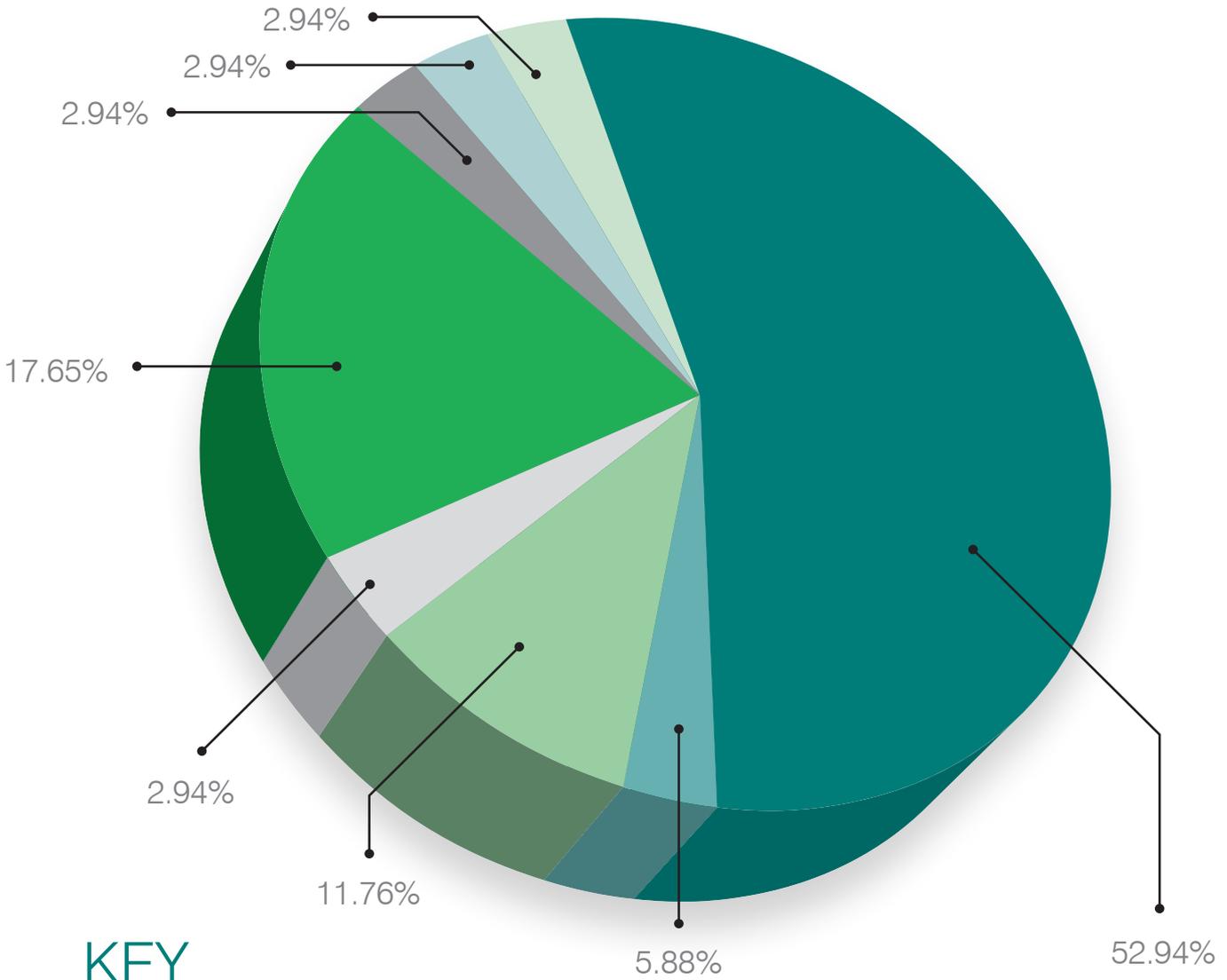
Both Derbyshire Constabulary and the Licensing Team make routine visits to premises. Infringement notices are issued to premises where they fail to comply with the 2003 Licensing Act or the conditions attached to their licence. The Premises Licence Holder is also made aware of these infringements, requesting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

The Licensing Team has visited a total of 112 licensed premises over the past 12 months.

The Licensing Team has received 31 complaints from residents in respect of licensed premises over the past 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.



The following graph breaks down the types of complaints received:



KEY

- 52.94% Noise
- 5.88% Selling to Underage
- 11.76% Public Order
- 2.94% Selling to Drunks
- 17.65% After Hours Sales
- 2.94% Breach of Condition
- 2.94% No Summary
- 2.94% False Allegation

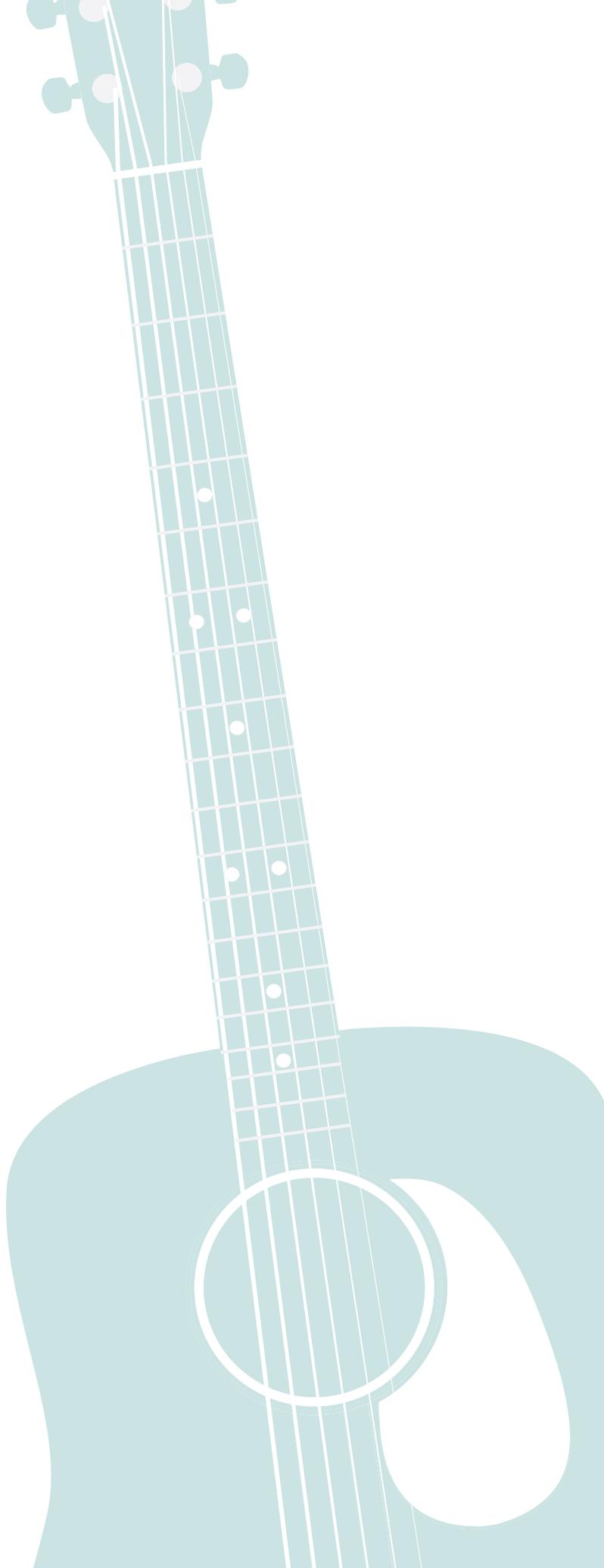
THE ROCK AND BLUES FESTIVAL

The Rock and Blues Festival returned to Coney Grey Farm between Thursday 26th July and Sunday 29th July 2012. 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 third consecutive Bearded Theory Festival came to Amber Valley this year. It was held once again in the grounds of Kedleston Hall between Friday 18 May and Sunday 20 May 2012.

The festival was very well run and the Council's Health and Safety and Noise Pollution Sections put a large amount of time and effort into the planning of this event. 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.



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 2012 there were 292 licensed drivers, 171 licensed hackney carriages, 73 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 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, 116 routine checks have been carried out since the beginning of the year.

The Team has dealt with 41 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 one multi agency exercise this year with the carrying out random checks on Hackney Carriages and Private Hire Vehicles within the district.

	Vehicles Checked	Cautions issued for minor defects	Prohibition Notices
2012	116	13	5
2011	93	20	3



TAXI LICENSING POLICY

The Draft Policy has now gone out for public consultation and can be viewed on the following link:

<http://www.ambervalley.gov.uk/>

DRAFT FORWARD WORK PROGRAMME 2012/13

1. Distribute the approved Taxi Licensing Policy
2. Distribute the approved Gambling Policy
3. Update and submit Licensing Policy for public consultation
4. Developing the Council's website in respect of licensing functions and ensure it is continuously updated with new legislation.
5. Convening meetings of the Taxi Quality Partnership and/or keeping the trade informed of any changes in practice or legislation.
6. Continued participation with the Violence and Alcohol Licensing (VAL) Partnership.
7. Continued participation with the Derbyshire Licensing Meetings
8. Consider and determine delegated licensing applications within the statutory time limits
9. Liaison with the Chairman and Members of the Licensing Board regarding licensing matters

10. Preparation of the Annual Licensing Report for presentation to the Full Council
11. Preparation of Licensing Reports and convening meetings of the Licensing Board
12. Training members
13. Complete yearly Gambling statistics and return to the Gambling Commission
14. Complete yearly Licensing Statistics and return to the Home Office
15. 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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