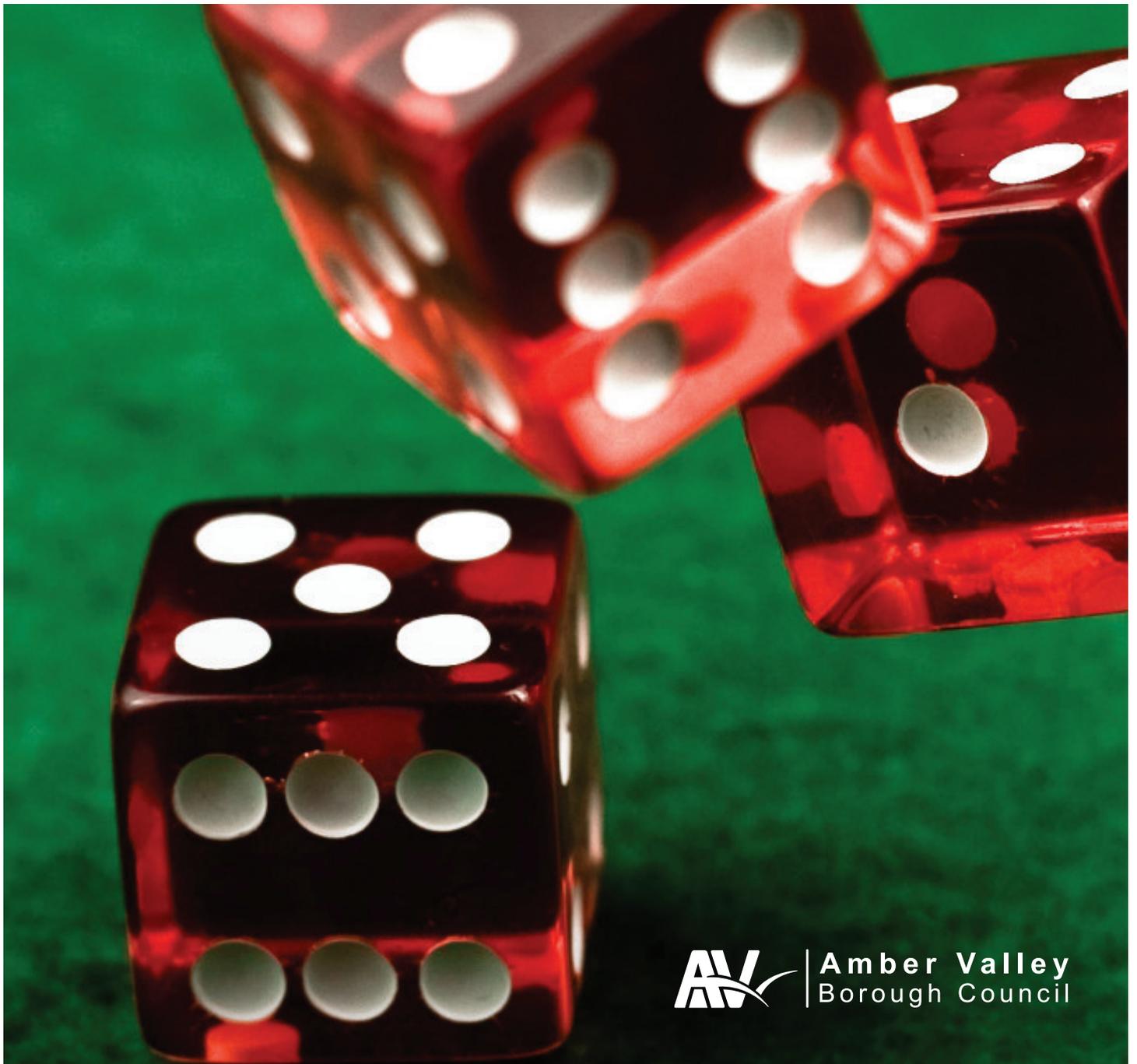


Making a Difference for Amber Valley

Amber Valley Borough Council **Annual Licensing Report 2015**

MAKING EVERYWHERE IN AMBER VALLEY A GREAT PLACE TO LIVE



Amber Valley
Borough Council

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FOREWORD BY THE CHAIRMAN

JACKIE COX



This year, as in previous years, changes have been made to licensing legislation.

Regulated entertainment was deregulated further in the spring allowing local authorities, health care providers and schools to provide entertainment on their own defined premises without having to obtain a licence.

Recorded music is now exempt in relevant alcohol licensed premises, live and recorded music held by third parties in schools, hospitals, local authority and community premises will also be exempt. The only limitations are that the activity must take place between the hours of 08.00 and 23.00 and most activities are limited to audiences of 500 people.

So far there appears to have been little impact on neighbouring residents from premises taking advantage of the music deregulation, however, responsible authorities or members of the public could trigger a review of the premises licence if there are reoccurring problems, and all other avenues to resolve any problems have been explored.

A decade has now passed since the responsibility of licensing was transferred to the Local Authority from the Magistrates' Courts and this year would have seen the renewal of many Personal Licences that were converted from the previous 1964 Licensing Act. The requirement to renew Personal Licences has now been abolished; however the requirement to hold a Personal Licence in order to be a Designated Premises Supervisor still remains. Holders of Personal Licences must still inform the council of any changes to their names, addresses or if they have been convicted of any relevant criminal offence.

As of 1 January 2016 premises currently without a licence can take advantage of a Temporary Event Notice for the same premises up to fifteen times per year, an increase from the twelve currently allowed.

Major changes to taxi legislation have also taken place. The Council now issues Hackney Carriage and Private Hire Driver's Licences for a period of three years as opposed to one year at present. Private Hire Operator's licences are issued for a period of five years as opposed to three years.

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

In my role as Chairman, I will ensure that the Board will respond accordingly to challenges which any future changes in legislation and deregulation may bring, whilst ensuring that the views and concerns of all residents will be considered, together with those of the trade and that all decisions made are appropriate to the circumstances as well as the four licensing objectives.

As always, we welcome feedback on this report and the licensing team is always available to give advice and assistance on any licensing matter.

Cllr Jackie Cox
Chairman of the Licensing Board
December 2015

INTRODUCTION

LICENSING ANNUAL REPORT 2016

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, (i.e. betting offices, large payment gaming machines, machine arcades etc.), sex establishments, scrap metal, charity collections, street trading and taxi and private hire licensing.

Licensing is part of the Council's Regulation Unit and sits within the Community Safety portfolio.

All uncontested applications are granted by officers under delegated powers. The Licensing Board approves all policies and procedures relating to any licensing issue and all contested applications are heard by the Licensing Panel.

LICENSING HEARINGS

The Licensing Board met on 5 occasions during the year (2 more than last year) to discuss numerous policy issues in relation to licensing, gambling and taxis.

Six Licensing Panel Hearings (1 less than last year) have been held to resolve applications where representations have been received from either Responsible Authorities or members of the public.

LICENSING BOARD

The Licensing Board comprises of:

- Councillor Jackie Cox (Chairman)
- Councillor Trevor Ainsworth
- Councillor Gail Dolman
- Councillor Isobel Harry
- Councillor Valerie J Taylor
- Councillor Angela Ward
- Councillor John Nelson (Vice Chairman)
- Councillor Marlene Bennett MBE
- Councillor Christopher Emmas-Williams
- Councillor Tony Holmes
- Councillor Valerie Thorpe

LICENSING POLICIES

Statement of Licensing Policy

The current policy came into force in February 2015 and is effective for a period of up to 5 years. This policy will be updated, if deemed necessary, prior to the date of its expiry.

The policy can be viewed on the following link:

<http://opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docguid=7527c8a3edaf4cd4aaeb8bd9e6ff0ce5>

Gambling Policy Statement

The existing Gambling Policy Statement expires on 30 January 2016. On 19 November 2015 Full Council approved the Gambling Policy Statement that will come into effect on 31 January 2016.

Both Statements of Policy can be viewed via the following link:

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

LICENSING AND GAMBLING OBJECTIVES

The Licensing Act 2003 and the Gambling Act 2005 require 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 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.

Staffing Allocation

Calculation of full time equivalents:

Officer	FTE	Licensing/ gambling	Misc. (scrap metal, house to house/street collections etc.)	Taxis
Licensing Manager	1	.55	.5	.40
Licensing Officer	1	.80	.10	.10
Licensing Officer*	1	.80	.10	.10
Licensing Officer	.65	0	0	.65
Licensing Enforcement Officer**	.5	.15	0	.35
Total	4.15	2.3	.25	1.6

* This post is vacant from 1 January 2016

** This post was vacant from June to November due to sickness and resignation of the post holder

LICENSED PREMISES PROFILE

Premises type	Quantity	Surrendered during 2015
Pubs	187	3
Registered clubs	44	0
Off-licences/supermarkets	110	4
Restaurants/cafes/hotels	46	2
Entertainment/community centres	93	0
Late night refreshment	50	1
Garages	2	0
Betting shops	10	1
Bingo	1	0
Family entertainment centres	1	0
Adult gaming centres	4	1
Scrap yards	11	0
Total number of licensed premises	559	12
Scrap Mobile Collector's Licences	19	0
Personal Licences	1375	0

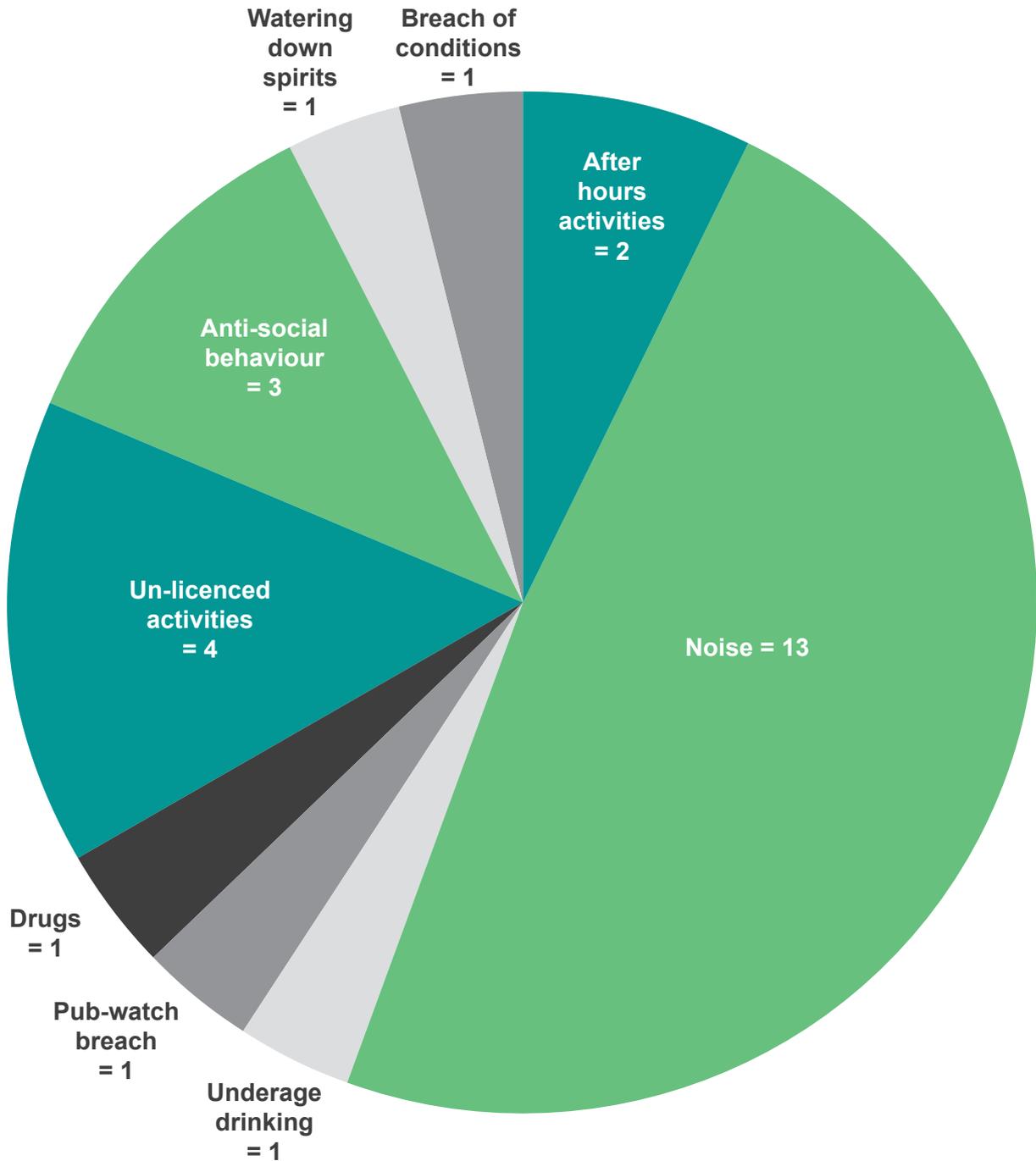
LICENSING ACTIVITIES

This table shows the number of licences the Licensing Team dealt with from January — October 2014 and January — December 2015. Comparisons between the totals will therefore not be like for like for this years report.

Applications received	2015	2014
Personal licences	127	58
Premises licences	14	18
Reviews of licences	0	1
Club premises certificates	0	1
Transfer of premises licence	27	35
Variations/minor variations of licences	14	12
Designated premises supervisor variations	98	88
Change notifications	56	39
Street collections	59	49
House to house collections	43	22
Gaming machine notifications/ permits	6	9
Gambling premises licences	0	0
Licence surrenders	31	28
Temporary event notices	211	174
Revocations	0	1
Small society lotteries	16	19
Scrap metal site licences	1	1
Scrap metal collectors licences	2	4
Driver licences	283	263
Vehicle licences (Hackney Carriages)	166	140
Vehicle licences	108	84
Operator licences	14	12
Appeals	0	1
Total	1276	1059

COMPLAINTS

The Licensing Team has received 27 complaints from residents in respect of licensed premises over the past year (an increase of 10 on last year). All complaints are dealt with directly by the team and have mainly been brought to a satisfactory conclusion. Where officers fail to reach a negotiation between parties, an application to review the premises licence may be made. A review is an option that can only be made by local residents or responsible authorities and is a last resort when all other avenues to resolve the complaint have been explored and failed.



The above graph relates to complaints made directly to the Licensing Team. Complaints are also made to the Police and the Noise Pollution Officer.

SUPPORT TO TRADE/CUSTOMERS

Licensing webpages

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

Licensing applications may be submitted electronically via the GOV.UK gateway system. A small percentage of applications are received this way, although the number of applications received electronically is increasing year on year. The service is mainly used by private individuals applying for Temporary Events Notices.

Personal/telephone assistance

The Licensing Team 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 either via telephone or at the Town Hall, Ripley. The offices are open to the public from 9.00 am to 4.30pm Monday, Tuesday, Thursday and Friday and 10.00am until 4.30pm on Wednesdays.

PUB WATCH MEETING

The Licensing Manager attends the pub watch meetings held within Amber Valley to cascade any new pieces of legislation or to be available for advice and assistance to licensees attending the meetings.

MULTI AGENCY WORKINGS

The Licensing Team participates in multi-agency work with other responsible authorities to ensure the smooth running of all licensed premises. The Team have carried out numerous multi agency exercises throughout the year with other Responsible Authorities.

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 Licensing Act 2003 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 53 licensed premises over the past 12 months (a decrease of 104 premises compared to 2014) both on proactive and reactive visits.

The Licensing Team visited 3 Betting Offices/Amusement Arcades over the past year (a decrease of 6 premises compared to 2014). These were general routine inspections and there were no problems to report.

Due to unforeseen circumstances enforcement has dramatically reduced for a large percentage of 2015 due to sickness and subsequent staff vacancies. However, enforcement work will hopefully increase to previous levels for both proactive and reactive enforcement in the coming year.

FESTIVALS

The Rock and Blues Festival

The Rock and Blues Festival returned to Coney Grey Farm between Thursday 23rd July and Sunday 26th July 2015.

The Indie Tracks Festival

The Indie Tracks Festival was held over the same weekend as the Rock and Blues Festival. This festival was held at the Midland Railway, Swanwick.

No issues were raised regarding either festival; 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 Council's Pollution and Food Safety teams were heavily involved with these events to ensure that public health issues are resolved satisfactorily prior to the events going ahead and noise monitoring takes place during the events to ensure that local residents are not disturbed by the event.

STATISTICAL RETURNS

Home Office Returns

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 Returns

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

PARTNERSHIP WORKING

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 County Council's Community Safety Partnership. The partnership meets on a quarterly basis.

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.

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.

Internal Partnerships

The Licensing section works closely with the planning, environmental health and community safety to ensure the smooth operation of licensed premises and taxi operators within the district.

MULTI AGENCY ENFORCEMENT PROTOCOL

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 liaisons 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>

The Licensing team also adheres to Amber Valley Borough Council's Enforcement Policy, which can be viewed via the following link

<http://www.ambervalley.gov.uk/council-and-democracy/regulatory-enforcement.aspx>

Licensing Officers are authorised to carry out enforcement duties in respect of the following legislation:

- Licensing Act 2003
- Gambling Act 2005
- Health Act 2006
- Local Government (Miscellaneous Provisions) Act 1976

TAXI LICENSING

Hackney Carriage and Private Hire Vehicle Licensing Policy and Guidance document

The current policy was approved in September 2015 and can be viewed via the following link:

<http://info.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=09e6b688a4dd48d2801b2c00308c2885>

Guidance notes are also made available to assist both new applicants and existing drivers.

These notes can be viewed via the following link:

<http://info.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=511c376669ea421cbf8648422fbf02cf>

TAXI LICENSING OBJECTIVES

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

TAXI LICENSING ACTIVITIES

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; each vehicle must 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 3 years 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
- An enhanced Disclosure and Barring Service Certificate

Private Hire Operators licences are granted for a period of 5 years. All operators are checked to ensure they are a fit and proper person to hold such a licence prior to the grant or renewal of the licence.

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.

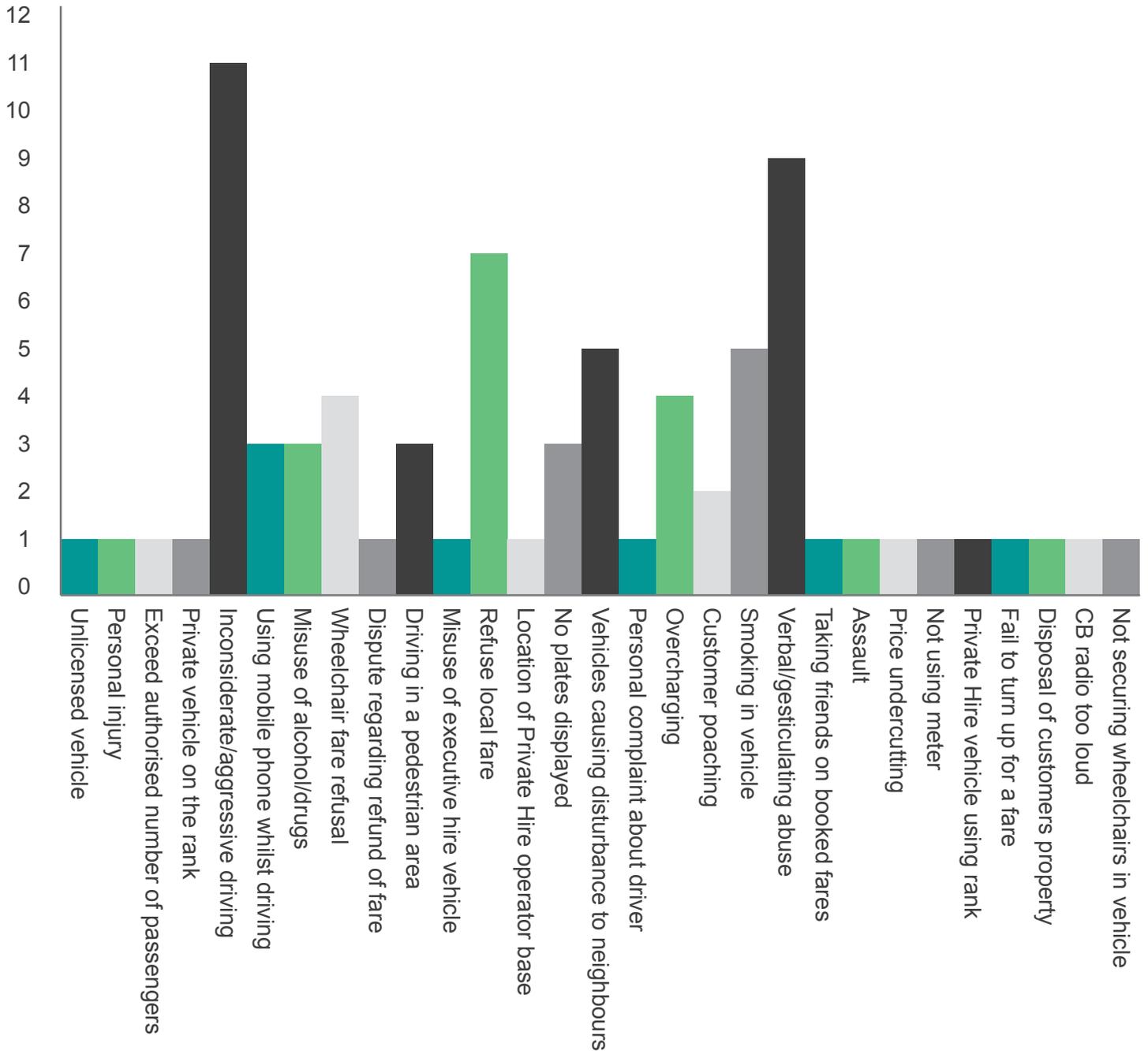
It is the Council's policy that all new drivers undertake Disability Awareness Training within one year of obtaining their driver's badge; the Derbyshire Coalition for Inclusive Living (DCIL) currently provides this training.

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

As at 31 December 2015	2015	2014
Licensed Drivers	285	297
Hackney Carriages	149	161
Private Hire Vehicles	98	77
Private Hire Operators	41	36
Total	575	571

COMPLAINTS

The Team has dealt with 77 complaints concerning taxis this year, (an increase of 23 on 2014). The Licensing Manager and Enforcement Officer have delegated powers to deal with any minor taxi infringements.



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, 146 routine checks have been carried out since the beginning of the year, (a reduction of 85 on last year).

Due to unforeseen circumstances enforcement has dramatically reduced for a large percentage of 2015 due to sickness and subsequent staff vacancies. However, enforcement work will hopefully increase to previous levels for both proactive and reactive enforcement in the coming year.

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.

Major changes affecting the taxi trade have taken place over the past 12 months in respect of the duration of hackney carriage/private hire driver's licences and Private Hire Operator's Licences. A newsletter was distributed to all drivers explaining how these changes in legislation would personally affect them.

DRAFT FORWARD WORK PROGRAMME 2016

1. Distribute the approved Gambling Policy Statement.
2. Developing the Council's website in respect of licensing functions and ensures it is continuously updated with new legislation.
3. Convening meetings of the Taxi Quality Partnership and/or keeping the trade informed of any changes in practice or legislation.
4. Continued participation with the Violence and Alcohol Licensing (VAL) Partnership.
5. Continued participation with the Derbyshire Licensing Meetings.
6. Continued participation with local pub watch groups.
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 new members and ensuring existing members are fully aware of changes in legislation.
12. Complete yearly Gambling statistics and return to the Gambling Commission.
13. Complete yearly Licensing Statistics and return to the Home Office.
14. Other matters as determined by the Board during the course of the year.

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, Town Hall, Ripley,
Derbyshire, DE5 3BT

Telephone: **01773 841602**

Email: heather.adams@ambervalley.gov.uk

Website: www.ambervalley.gov.uk



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