

ANNUAL LICENSING REPORT 2013 – 2014

MAKING EVERYWHERE IN AMBER VALLEY A GREAT PLACE TO LIVE



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FOREWORD BY THE CHAIRMAN

Following the Coalition Government's commitment to overhaul the Licensing Act 2003, this year has once again seen a number of changes in licensing legislation.

Further deregulation in respect of regulated entertainment is due to come into effect during spring 2015. This will exempt the provision of entertainment by or on behalf of local authorities, health care providers or schools on their own defined premises. Recorded music will be 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 will cease at 23.00 hours and most activities are limited to audiences of 500 people.

The Council has responded to the previous deregulation in respect of entertainment from the Licensing Act and we await further changes in legislation and will respond accordingly to such challenges.

Following consultation the Government has abolished the requirement to renew Personal Licences after 10 years, however we are still awaiting clarification as to whether photographs of Personal Licence Holders will need to be updated. Renewal of Personal Licences would have begun to take place from next year onwards. The proposal to abolish them in their entirety has been withdrawn following the high number of objections received from the trade during the consultation period.

The Mandatory Conditions attached to all Premises Licences and Club Premises Certificates have been amended to tighten up the existing wording and additional ones have been added stipulating the lowest prices that alcohol can be sold.

Effective licensing is about good team work and the following pages demonstrate the partnership work we have done during the last year. This demonstrates that the licensing function is about much more than regulation and helps ensure that Amber Valley remains a pleasant and safe place to live and work whilst still offering a vibrant night-time economy for residents and visitors to enjoy in both town centres and rural areas alike.

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

Cllr Gail G Dolman
Chairman of the Licensing Board
December 2014



Cllr Gail G Dolman

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.

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

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, Street Trading, Sex Establishments and Scrap Metal.

Under the Gambling Act 2005 the Licensing Team issues Premises Licences, Gaming Machine Permits, Gambling 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, Drivers Licences and Private Hire Operators.

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 three occasions during the year (one less than last year) to discuss numerous policy issues in relation to licensing, gambling and taxis.

Since November 2014 we have held seven Licensing Panel Hearings (seven less than last year) to resolve applications where representations have been received from either Responsible Authorities or members of the public.



LICENSING BOARD

The Licensing Board comprises of:

Cllr Gail Dolman (Chairman)

Cllr David Farrelly (Vice Chairman)

Cllr Trevor Ainsworth

Cllr Marlene Bennett MBE

Cllr Jacqueline Cox

Cllr Erik Johnsen

Cllr Heather Longdon

Cllr Peter Makin

Cllr John Nelson

Cllr Roy Walker

Cllr Angela Ward

LICENSING POLICIES

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 for a period of up to 5 years.

The policy can be viewed on the following link:

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

An updated Draft Licensing Policy Statement is currently out for consultation until 5 January 2015. The draft policy can be viewed on the following link:

<http://opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docguid=f9f53fbe1ccf47639d9578f3f5927f94>

Gambling Policy Statement

Full Council approved the current Gambling Policy Statement on 12 December 2012. This current policy runs from 31 January 2013 until 30 January 2016.

The policy can be viewed on the following link:

<http://opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=27669197eae24ee9b60e68af3ec0301c>



LICENSING AND GAMBLING OBJECTIVES

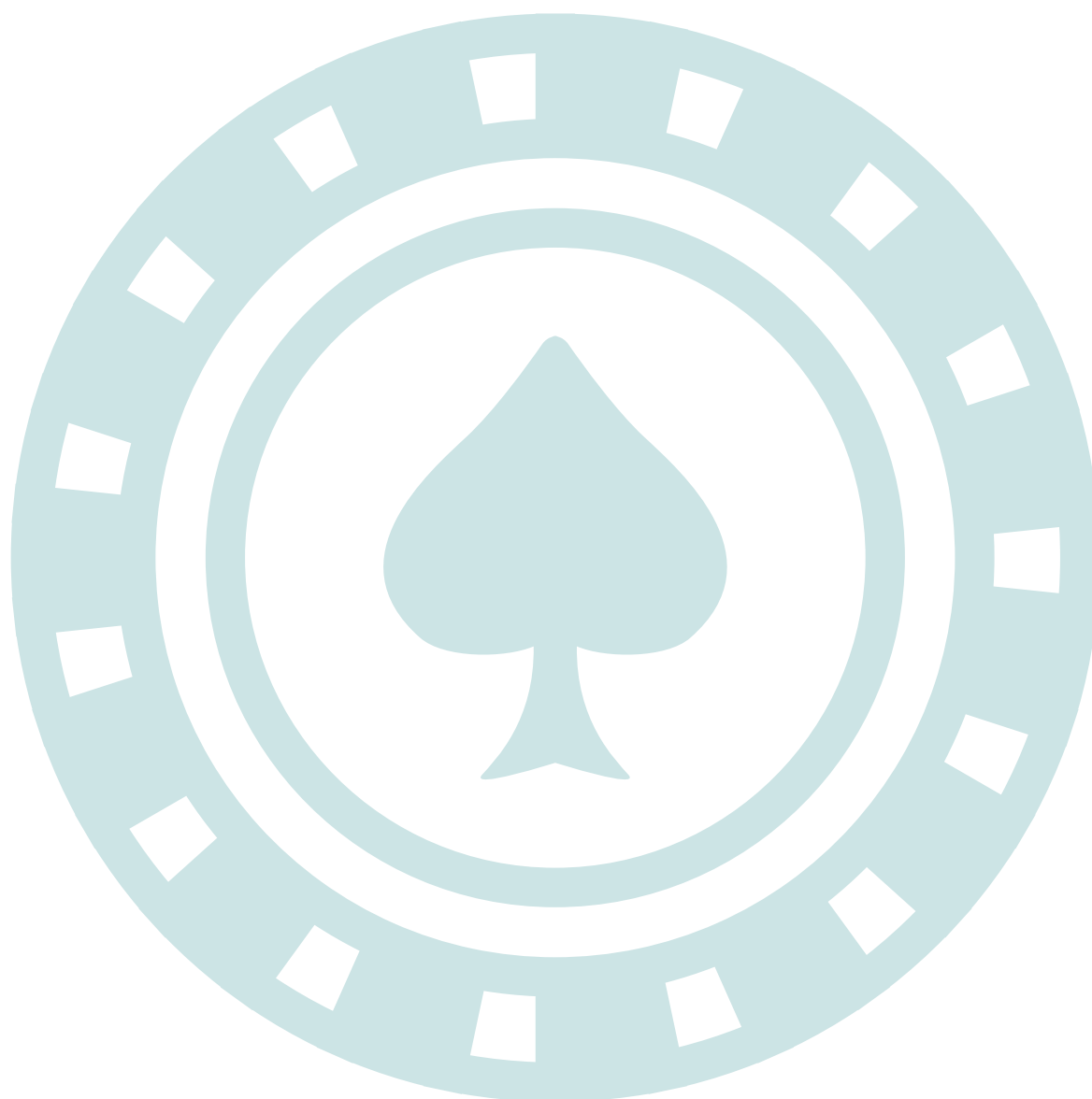
The Licensing Act 2003 and the Gambling Act 2005 require the Council to carry out licensing functions so as to promote the following respective licensing objectives:

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

Staffing Allocation

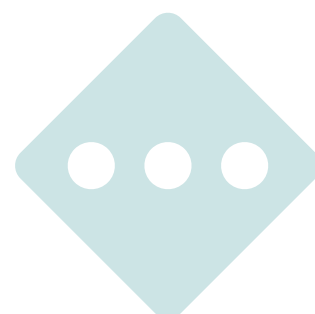
Calculation of Full Time Equivalents:

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

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.

LICENSED PREMISES PROFILE

Premises Type	Quantity	Surrendered this year
Pubs	199	9
Off-licences/supermarkets	115	5
Restaurants/cafes/hotels	47	1
Entertainment/ community centres	92	1
Late night refreshment	48	0
Betting Shops	12	1
Bingo	1	0
Family entertainment centres	1	0
Adult gaming centres	5	0
Scrap yards	9	0
Total number	529	17
Personal licences	1273	0
Scrap mobile collector's licences	17	0



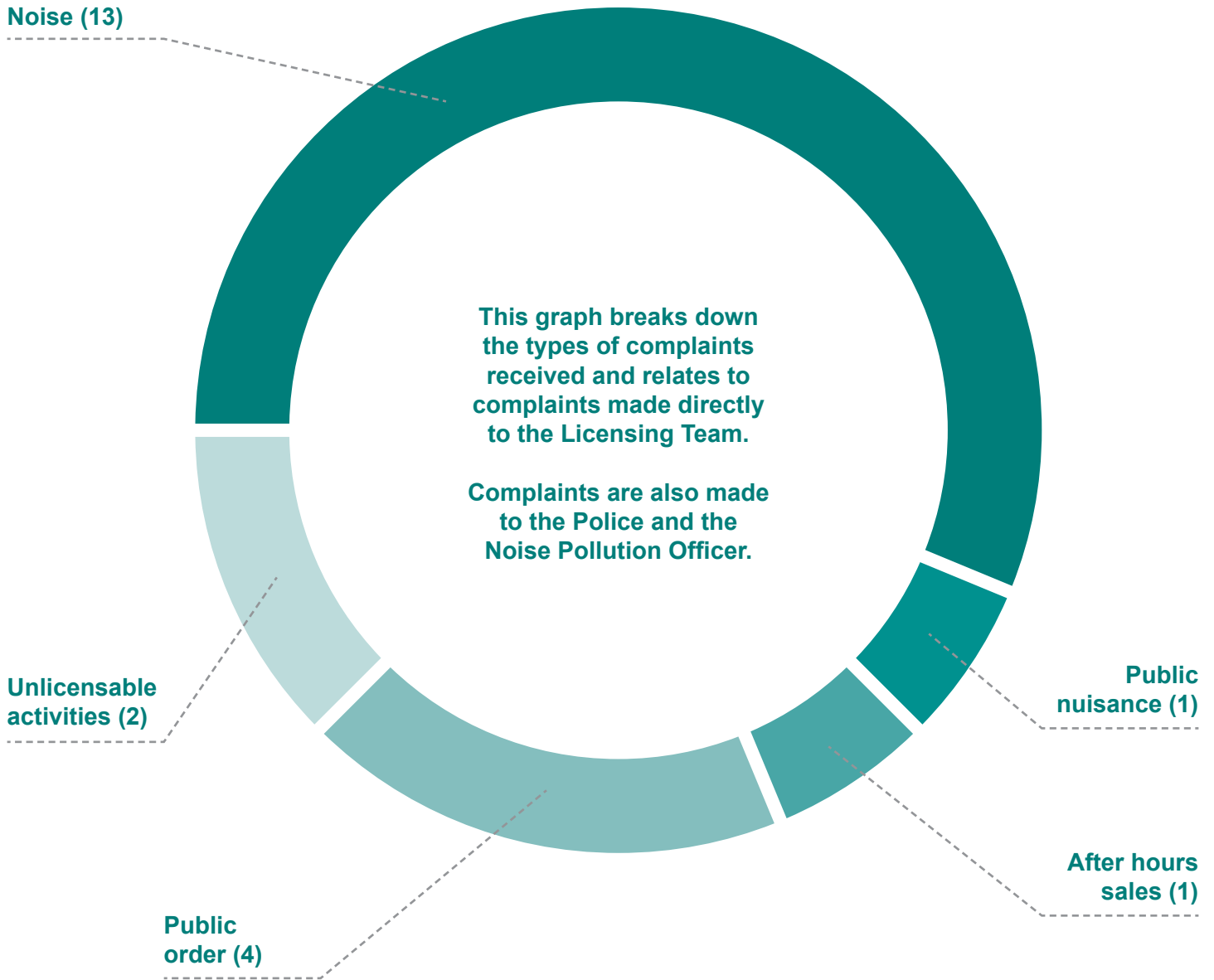
LICENSING ACTIVITIES

This table shows the number of licences the Licensing Team dealt with from January 2014 — October 2014

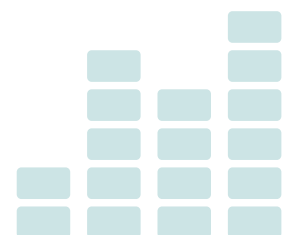
Applications received	2014	2013
Personal licences	58	64
Premises licences	18	8
Reviews of licences	1	0
Club premises certificates	1	1
Transfer of premises licence	35	19
Variations/minor variations of licences	12	10
Designated premises supervisor variations	88	101
Change notifications	39	31
Street collections	49	42
House to house collections	22	33
Gaming machine notifications/ permits	9	11
Gambling premises licences	0	0
Licence surrenders	28	12
Temporary event notices	174	223
Revocations	1	0
Small society lotteries	19	24
Scrap metal site licences	1	10
Scrap metal collectors licences	4	6
Driver licences	263	253
Vehicle licences (Hackney Carriages)	140	136
Operator licences	12	11
Appeals	1	0
Total	975 (2% decrease from 2013)	995
Vehicle licences (private hire) not included in 2013 report	84	



COMPLAINTS



The Licensing Team has received 17 complaints from residents in respect of licensed premises over the past year (a reduction of 7 on last year). All complaints are dealt with directly by the team and have mainly been brought to a satisfactory conclusion. Where the 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 be made by local residents or responsible authorities.



SUPPORT TO TRADE/CUSTOMERS

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/business/licences-and-street-trading.aspx

Electronic Applications

A number of licensing applications are received 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 9.00am to 4.30pm Monday, Tuesday, Thursday and Friday and 10.00am until 4.30pm on Wednesdays.

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 has done 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 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 157 licensed premises over the past 12 months (an additional 15 premises compared to 2013) both on proactive and reactive visits.



The Licensing Team visited nine betting offices/amusement arcades over the past year. These were general routine inspections and there were no problems to report.

Four multi agency visits have taken place at Scrap Yards since the implementation of the Scrap Metal Dealers Act 2013. Officers from the Council, Smart Water, British Telecoms and Western Power joined the police on operations throughout the borough. Various offences were discovered and illegally collected scrap metal was seized by the police.

FESTIVALS

The Rock and Blues Festival

The Rock and Blues Festival returned to Coney Grey Farm between Thursday 24th July and Sunday 27th July 2014.

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.

STATISTICAL RETURNS

Home Office Returns

At the end of each financial year a statistical return is 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 are 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.

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

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.

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:

opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=7e56e112f1954d88bce99cde4e90cb39

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

Full Council approved the current Taxi Policy and Guidance document on 15 May 2013.

The policy can be viewed on the following link:

opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=6b479f858d7b4f019928281f6020107a

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 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.

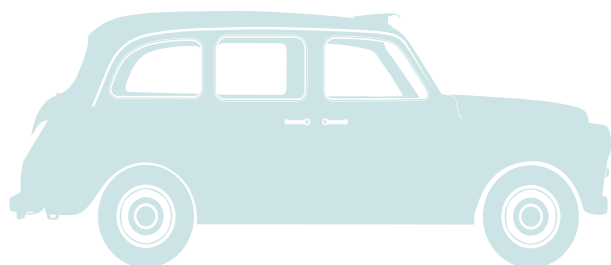
If the vehicle passes the examination then the driver is issued with a pass certificate and the proprietor is issued with a licence.

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 applicants who have 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.

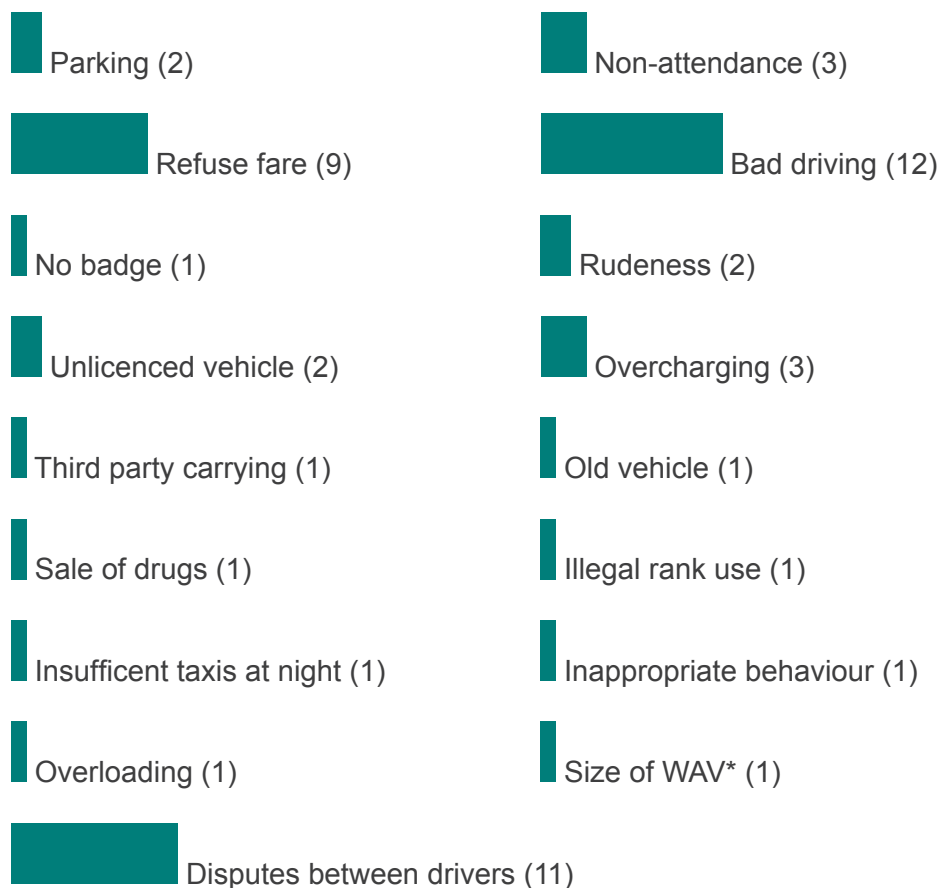
The Licensing Team is always obliged for the assistance and advice given to them by Amber Valley Access Group.

As at 1 Nov 2014	2014	2013
Licensed Drivers	297	303
Hackney Carriages	161	161
Private Hire Vehicles	77	70
Private Hire Operators	36	32
Total	571 (1% increase on 2013)	566

COMPLAINTS

The Team has dealt with 54 complaints concerning taxis this year, (an increase of 9 on 2013). The Licensing Manager and Enforcement Officer have delegated powers to deal with any minor taxi infringements.

Two formal cautions have been issued in respect of taxi licensing offences.



*Wheelchair accessible vehicle

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, 231 routine checks have been carried out since the beginning of the year, (14 less than last year).

MULTI AGENCY WORKINGS

The Enforcement Officer has participated in four multi agency exercises 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	Prosecutions
2014	106(86)*	28(15)*	2 (2)*	1(0)*

*2013 figures

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.



DRAFT FORWARD WORK PROGRAMME 2015

1. Draft, consult and distribute the approved Street Trading Policy
2. Distribute the approved Licensing Policy Statement
3. Update and submit Gambling Policy for public consultation
4. Update and submit Taxi Policy for public consultation
5. Developing the Council's website in respect of licensing functions and ensures it is continuously updated with new legislation.
6. Convening meetings of the Taxi Quality Partnership and/or keeping the trade informed of any changes in practice or legislation.
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 new members and ensuring existing members are fully aware of changes in legislation
14. Complete yearly Gambling statistics and return to the Gambling Commission
15. Complete yearly Licensing Statistics and return to the Home Office
16. 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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