

ANNUAL LICENSING REPORT 2016

MAKING EVERYWHERE IN AMBER VALLEY A GREAT PLACE TO LIVE



Amber Valley
Borough Council

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FOREWORD BY THE CHAIRMAN

JACKIE COX



There has been little change in licensing legislation this year following the completion of the deregulation of live and recorded music in the spring of 2015.

There appears to have been little impact on neighbouring residents from premises taking advantage of the music deregulation; however, I wish to remind members of the public and local residents that they should report any incidents of excessively loud music to the council so that any appropriate action can be taken.

From 1 January 2017 the Council is introducing new plates for all licensed hackney carriages and private hire vehicles in the borough. The new plates will remain yellow for hackney carriages and white for private hire vehicles but will now include an expiry date, the colour and make of the vehicle to which the plate relates together with the number of passengers the vehicle is licensed to carry.

The new plates will ensure that the enforcement of licensed vehicles is more robust assisting both our own enforcement officers as well as external agencies in their duties. The safety of the general public is of paramount importance to the Council.

As a safety measure the provision of magnetic plates on licensed vehicles will be phased out by the end of 2017.

The Immigration Act 2016 amended existing legislation to seek to prevent illegal working in the private hire vehicle and taxi sector. With effect from 1 December 2016 the provisions in the Act prohibit all licensing authorities across the UK from issuing or renewing a licence without the applicant producing prescribed documentation to show that they have the necessary permissions to be in the UK and to undertake work in the taxi industry.

The Licensing Board remains committed to partnership working with other agencies which ensures Amber Valley remains a pleasant and safe place to live and work whilst still offering a vibrant night time economy for both residents and visitors to enjoy in both town centres and rural locations alike.

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

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 2016

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 3 occasions during the year (1 more than last year) to discuss numerous policy issues in relation to licensing, gambling and taxis.

Eight Licensing Panel Hearings (the same number as 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 Marlene Bennett MBE
- Councillor Isobel Harry
- Councillor Tony Holmes
- Councillor David Wilson
- Councillor Angela Ward (Vice Chairman)
- Councillor Ronald Ashton
- Councillor Gail Dolman
- Councillor Kieron Hill
- Councillor Valerie Taylor

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://info.ambervalley.gov.uk/docarc/docviewer.aspx?docguid=7527c8a3edaf4cd4aaeb8bd9e6ff0ce5>

Gambling Policy Statement

The current Gambling Policy Statement came into force on 31 January 2016 and is effective for a period of 3 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://info.ambervalley.gov.uk/docarc/docviewer.aspx?docguid=67bbec81283a4303901d2908eed1fae9>

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

LICENSED PREMISES PROFILE

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:

Premises type	Quantity	Surrendered during 2016
Pubs	197	4
Registered clubs	44	0
Off-licences/supermarkets	113	4
Restaurants/cafes/hotels	50	1
Entertainment/community centres	91	1
Late night refreshment	49	1
Garages	2	0
Betting shops	10	0
Bingo	2	0
Family entertainment centres	1	0
Adult gaming centres	6	0
Scrap yards	11	0
Total number of licensed premises	576	11
Scrap Metal Collector's Licences	18	0
Personal Licences	1480	0

LICENSING ACTIVITIES

This table shows the number of licences the Licensing Team dealt with during the past year, 2015 figures are shown for comparison purposes.

Applications received	2016	2015
Personal licences (alcohol on and off sales)	93	127
Premises licences (alcohol on and off sales)	21	14
Reviews of licences	0	0
Club premises certificates	0	0
Transfer of premises licence	26	27
Variations/minor variations of licences	14	14
Designated premises supervisor variations	115	98
Change notifications	46	56
Street collections	74	59
House to house collections	29	43
Gaming machine notifications/ permits	10	6
Gambling premises licences	0	0
Licence surrenders	10	31
Temporary event notices	247	211
Revocations	0	0
Small society lotteries	22	16
Scrap metal site licences	7	1
Scrap metal collectors licences	3	2
Driver licences	231	283
Vehicle licences (Hackney Carriages)	146	166
Vehicle licences	114	108
Operator licences	13	14
Appeals	0	0
Total	1221	1276

COMPLAINTS

The Licensing Team has received 21 complaints from residents in respect of licensed premises over the past year (a decrease of 6 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.

After hours activities	2
Noise	7
Breach of conditions	2
Un-licensable activities	7
Anti-social behaviour	3

The above table relates to complaints made directly to the Licensing Team. Complaints are also made to the Police and the Council's Pollution Team.

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

A number of licensing applications are received electronically via the GOV.UK gateway system. The number of applications received electronically has increased significantly since its implementation several years ago. The majority of applications received electronically are made by members of the public 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 MEETINGS

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 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 50 licensed premises over the past 12 months (a decrease of 3 premises compared to 2015) both on proactive and reactive visits.

The Licensing Team visited 4 Betting Offices/Amusement Arcades over the past year (an increase of 1 premise compared to 2015). These were general routine inspections and there were no problems to report.

FESTIVALS

The Rock and Blues Festival

The Rock and Blues Festival returned to Coney Grey Farm between Thursday 21st July and Sunday 24th July 2016.

The Indie Tracks Festival

The Indie Tracks Festival was held between 29th and 31st July 2016. 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.

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 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 and safe experience for both revellers visiting licensed premises and 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 Team works closely with the Planning, Regulation, Community Safety and Pollution Teams 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://info.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://info.ambervalley.gov.uk/docarc/docviewer.aspx?docGuid=e6b573d838784810a88ffd1bcded8a8a>

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 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 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 applicant's history in relation to criminal, driving and licensing matters)
- A full driving licence issued in the UK, European Community (EC) or the European Economic Area (EEA);
- Local knowledge test
- Medical certificate
- An enhanced Disclosure and Barring Service Certificate
- Proof of the right to work in the UK

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

All drivers must confirm that they have the right to work in the United Kingdom prior to the grant/renewal of a licence 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 2016	2016	2015
Licensed Drivers	291	285
Hackney Carriages	150	149
Private Hire Vehicles	106	98
Private Hire Operators	40	41
Total	587	575

COMPLAINTS

The Team has dealt with 43 complaints concerning taxis this year, (a decrease of 34 on 2015). The Licensing Manager and Enforcement Officer have delegated powers to deal with any minor taxi infringements.

Private vehicle on the rank	1
Inconsiderate/illegal parking	13
Refuse fare	1
Personal complaint about driver	6
Verbal/gesticulating abuse	5
Private Hire Vehicle plying for hire	4
Fail to turn up for a fare	1
Dangerous driving	5
Rude Operator	1
No plate displayed	1
Inappropriate behaviour by licensed driver	2
Dual plating of vehicle in two authorities	1
Late arrival of vehicle	1
Refusal to carry dog	1

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, 316 routine checks have been carried out since the beginning of the year, (this is an increase of 170 on last year which reflects the permanent appointment of an enforcement officer).

The Licensing Board also deal with contentious taxi applications and complaints. Two driver's licences have been revoked in the past year for reasons of public safety and not being a fit and proper person to hold a licence.

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.

Newsletters are distributed to the trade to notify them of any changes in legislation or policy.

DRAFT FORWARD WORK PROGRAMME 2016

1. Developing the Council's website in respect of licensing functions and ensuring it is continuously updated with new legislation.
2. Convening meetings of the Taxi Quality Partnership and/or keeping the trade informed of any changes in practice or legislation.
3. Ensuring the smooth introduction of new taxi licensing plates on all licensed vehicles.
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. Considering and determining delegated licensing applications within the statutory time limits.
8. Considering and determining delegated taxi/private hire driver's and vehicle licences.
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. Preparation of Licensing Reports and convening meetings of a Licensing Panel to consider contested licensing and taxi related hearings.
13. Training new members and ensuring existing members are fully aware of changes in legislation.
14. Completing yearly Gambling statistics and return to the Gambling Commission.
15. Completing yearly Licensing Statistics and return to the Home Office.
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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