
Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 10th April 2012

Subject: Quarterly Update on Enforcement Activity - Entertainment Licensing

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report provides an update to the activities of entertainment Licensing's Enforcement Team who have been working with premises and partner agencies to promote the licensing objectives and licence compliance.

Recommendations

2. That Licensing Committee note the contents of the report.

1.0 Purpose of this report

1.1 To advise Licensing Committee of the activities of Entertainment Licensing's Enforcement Team who have been working with premises and partner agencies to promote the licensing objectives and licence compliance.

2.0 Background information

2.1 Entertainment Licensing has an enforcement team of 5 Senior Enforcement and Liaison Officers and a principal officer.

2.2 The main role of the enforcement team is to work with partner agencies and premises to promote the licensing objectives and to ensure compliance with the licences granted by the licensing authority. They achieve this through multi-agency inspections, action planning meetings, supporting review hearings and, as a last resort, through prosecution.

2.3 The work of the Enforcement Team is underpinned by the Responsible Authority Joint Protocol which is an enforcement agreement with all responsible authorities and other partner agencies such as HM Border Agency .

3.0 Main issues

3.1 This report presents the activities undertaken by the Section's Enforcement Team over the last quarter for information and discussion.

3.2 Standard Joint Operations

3.3 During the reporting period ongoing joint licensing compliance visits by Entertainment Licensing enforcement officers and West Yorkshire Police Neighbourhood Policing Teams have taken place across the City in both inner and outer areas. In summary, joint visits have taken place with the following Neighbourhood Policing Teams.

- Rothwell Neighbourhood Policing Team
- Pudsey Neighbourhood Policing Team
- City Neighbourhood Policing Team (Operation Capitol)
- Armley Neighbourhood Policing Team
- Bramley Neighbourhood Policing Team
- Killingbeck Neighbourhood Policing Team
- Wetherby Neighbourhood Policing Team

3.4 Visits conducted with NPTs will often include visits in other areas e.g. Armley NPT may incorporate joint licensing visits in the Bramley areas. In addition, some visits have included participation by other agencies e.g. UK Border Agency (UKBA), Her Majesty's Revenue and Customs (HMRC)

3.5 Joint city centre visits take place on at least one occasion per month.

3.6 Other Joint Operations

3.7 On the 8th March 2012 Entertainment Licensing enforcement officers participated in a planned multi-agency operation looking into two unlicensed premises in the Leeds 7 and 8 areas. Agencies involved in the operation were the LCC Entertainment Licensing section, Trading Standards, HMRC, West Yorkshire Police and the LCC Health & Safety Team.

3.8 Officers findings included suspected illegal smoking of shisha inside the premises contrary to smoking legislation, unlicensed activities under the Licensing Act, approximately 49 kilograms of shisha tobacco was seized as it was suspected UK duty had not been paid. Officers from the council's Health & Safety Team are to interview persons concerning possible breaches of smoking legislation.

3.9 Formal actions

3.10 *Pizza King & Coriander Cuisine, Horsforth LS18*

3.11 Offence: unauthorised provision of late night refreshment.

3.12 Trial held at Leeds Magistrates' Court on 26.01.12. Both defendants pleaded guilty and convicted. Fine: £300 for offence 1. Contribution to costs: £1,000. Victims' Surcharge: £15. No separate penalty for offences 2 and 3.

3.13 *Krispy Funky Chicken, Morley LS27*

3.14 Offence: Unauthorised provision of late night refreshment.

3.15 Hearing at Leeds Magistrates' Court on 16.02.12. Defendant #1 pleaded guilty to all five charges of providing late night refreshment after 11pm. Defendant #1 fined £1,000 for each charge convicted of (£5,000 in total) and ordered to pay costs of £4883.83 to the council. Victims' Surcharge £15. Defendant #2 accepted a Formal Caution for his part in the offences.

3.16 Regarding both premises above, Entertainment Licensing enforcement officers conducted a series of undercover test purchases over a period of several months to gather sufficient evidence to prosecute. Warning letters were sent to the premises on receipt of each complaint and following positive test purchase.

3.17 *Chapelton Road, Leeds 7*

3.18 Offence: unauthorised activities contrary to the Gambling Act 2005 and Licensing Act 2003 – i.e. using premises to make a machine available for use; making a machine available for use; exposing alcohol for unauthorised sale; and keeping alcohol on premises for unauthorised sale etc.

3.19 On Friday, 6th May 2011 officers from a number of agencies, including Entertainment Licensing, visited the premises as part of Operation Brunch further to information received. On accessing the basement of the premises it was found that a nightclub had been operating illegally. A bar was located at one end of the

basement containing a quantity of alcohol and a small room containing DJ equipment and CDs. A number of speakers were also located around the room. A gaming machine was turned on and available for use. The basement did not benefit from any licences authorising the activities.

3.20 The offender, who was the owner of the premises, was formally interviewed by council licensing enforcement officers and admitted his guilt for the offences and was administered a Simple Caution on 8th March 2012.

3.21 Outdoor Events

3.22 The Entertainment Licensing Enforcement Team is preparing for the city's summer programme of outdoor events, which involves attending multi-agency safety advisory groups as well as undertaking risk-based compliance visits to selected events.

3.23 Leeds Alcohol Management Board:

3.24 The Entertainment Licensing Section is represented at the regular Leeds Alcohol Management Board meetings which looks at ways of reducing alcohol harm across the city.

3.25 In response to a number of concerns raised by members of the board regarding possible breaches of the mandatory licensing conditions relating to small measures of still wine not being made available to customers in a 125ml glass in a number of licensed premises in the Leeds district and free adequate water not being made reasonably available to customers, it was agreed that Entertainment Licensing would explore this further to establish levels of non-compliance across the City and for the board to consider whether further work would be needed to tackle the issues.

3.26 In October 2011 licensing enforcement officers commenced a programme of compliance checks looking at the above two mandatory conditions. In addition officers included checks on a third mandatory licence condition concerning drinks promotions and whether there were 'irresponsible' drinks promotions being run at licensed premises.

3.27 In February 2012 Entertainment Licensing reported back to the Leeds Alcohol Management Board its findings in respect of the 363 premises visited during the period: October 2011 to February 2012. The following information is a summary of officers findings.

- Drinks Measures: Compliant = 353 Not Compliant = 10
- Drinks Promotions: Compliant = 363 Not Compliant = Nil
- Drinking Water: Compliant = 363 Not Compliant = Nil

3.28 The board were pleased with the initial encouraging findings and it was agreed Entertainment Licensing would continue to gather compliance information on the mandatory licensing conditions and report back to the board its findings for the foreseeable future.

- 3.29 Enforcement officers provided guidance to operators during the course of the visits on how to comply with the mandatory licensing conditions as well as through the various PubWatch forums set up across the Leeds district which are attended by premises management / representatives.
- 3.30 'Meet & Greet'
- 3.31 In 2011 Entertainment Licensing introduced a new initiative to engage with new incoming designated premises supervisors (DPS) to licensed premises in the City.
- 3.32 Approximately four weeks after an incoming DPS takes up their new position a licensing enforcement officer conducts a visit to the premises. The purpose of the visit is to provide an initial contact for the Entertainment Licensing section, to remind the DPS to familiarise themselves with their premises licences and attached conditions, to offer support and guidance on licensing matters, to signpost the DPS to other services/agencies, to drum-up interest in local PubWatch forums providing dates of next meetings etc.
- 3.33 It is hoped by engaging with the DPS at an early stage after taking up their new position will highlight Leeds' proactive approach in promoting a safe, sensible and social drinking environment by increasing compliance under the Licensing Act and hopefully minimising future formal actions which can be a significant drain on agencies resources.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Entertainment Licensing holds monthly Licensing Enforcement Group meetings with all responsible authorities and other partners to discuss issues relating to the licensing objectives and licence compliance.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no matters which specifically relate to equality and diversity issues. All Entertainment Licensing activities are subject to an equality, diversity, cohesion and integration impact assessment which is undertaken every three years. The last impact assessment was carried out in 2010.

4.3 Council Policies and City Priorities

- 4.3.1 The work of the section's enforcement team is underpinned by the Licensing Act 2003 and Gambling Act 2005 Statement of Licensing Policies. All partner agencies have entered into a Responsible Authority Joint Protocol which agrees enforcement action and the responsibilities of each partner agency.

4.4 Resources and Value for Money

- 4.4.1 Licence compliance underpins the licensing regime and Entertainment Licensing enforcement team ensures compliance through liaison with licensed premises and multi-agency partners.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 All information provided in this report is publicly accessible and there is no legal implication to the recommendations of this report.

4.6 Risk Management

- 4.6.1 As this is an advisory report there are no risks associated.

5 Conclusions

- 5.1 Entertainment Licensing's Enforcement Team provide specialist liaison to premises licensed under the Licensing and Gambling Acts as well as numerous other legislation. Their activities over the last quarter have been described in this report for Member's information and discussion.

6 Recommendations

- 6.1 That members note the contents of the report.

Background Papers

- 1. None