

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 14th August 2012

Subject: Entertainment Licensing Section – Enforcement and Liaison Team
Enforcement Activity Update (April to June 2012)

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 type="checkbox"/> Yes	<input checked="" 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 the Entertainment Licensing Sections (ELS) Liaison and Enforcement Team who work 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 provide an update to Members of the Licensing Committee of the work carried out by the ELS Liaison and Enforcement Team between the period 1 April until 30th June 2012.

2.0 Background information

- 2.1 The ELS Liaison and Enforcement Team comprises of five senior officers managed by a principal officer.
- 2.2 The main role of the team is to work with partner agencies and premises to promote the licensing objectives and to ensure compliance with the licences and permits

granted by the licensing authority. They seek to achieve this through multi-agency inspections, action planning meetings, supporting review hearings and, as a last resort, through prosecution or instigating a review under the Licensing Act as a responsible authority.

2.3 The team's work is underpinned by the Responsible Authority Joint Enforcement Protocol which is an enforcement agreement with all the responsible authorities and other partner agencies such as UK Border Agency and Leeds City Council Community Safety.

3.0 Main issues

3.1 This report presents the activities undertaken by the team between April and June 2012 for information and discussion.

3.2 Standard Joint Operations

3.3 During the reporting period joint licensing compliance visits have taken place together with the West Yorkshire Police Neighbourhood Policing Teams (NPTs) across the City in both inner and outer areas. In summary, visits have taken place with the following Neighbourhood Policing Teams.

- Otley NPT
- Stainbeck NPT
- Pudsey NPT
- City NPT (Operation Capitol)
- Morley NPT
- Holbeck NPT

3.4 Visits conducted with NPTs will often include visits in other areas e.g. City NPT may include visits to the LS10 area. 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 with West Yorkshire Police (and other agencies, as required), take place on at least one occasion per month (Operation Capitol).

3.6 Other Joint Operations

3.7 On the 26th April 2012 ELS enforcement officers participated in a planned operation with officers from Her Majesty's Revenue & Customs (HMRC) in respect of a complaint for a premises in the Leeds 9 area where it was suspected offences may have been committed for non-payment of duty as well as Licensing Act issues. At the time of the visit no Licensing Act breaches were found. HMRC seized a quantity of tobacco suspected of not having duty paid on them.

3.8 On 12th April 2012 ELS Enforcement Officers participated in a planned multi agency operation (Operation Bowfin).

The aim of the operation was to tackle and disrupt anti-social behaviour through a series of initiatives including stop and search. In addition, a number of other agencies took part in the operation to look at issues relevant to their respective service areas. ELS enforcement conducted compliance checks into scrap metal dealers and scrap waste carriers in response to ongoing regional and national metal thefts e.g. signalling cable from the railways network, telecommunications infrastructure. The operation was arranged between partner agencies through a number of mediums including the newly formed city centre Six Weekly Tasking Meeting (see paragraph 3.30, below).

The following agencies took part in the day's operation:

West Yorkshire Police, LCC Taxi and Private Hire Licensing, Leeds Anti-Social Behaviour Team, HMRC, HM Warrants, West Yorkshire Trading Standards, LCC Environmental Action Enforcement Team, Housing, West Yorkshire Fire & Rescue Service, LCC Entertainment Licensing.

3.9 Formal actions

- 3.10 Abids – Stainbeck Lane, Chapel Allerton, Leeds 7.
Offence: unauthorised provision of late night refreshment.
Trial held at Leeds Magistrates' Court on 03.05.12. The defendant pleaded guilty to both offences and was convicted. Fine: £250 for each offence. Ordered to pay costs of £1184.00 and a victims' surcharge of £15.
- 3.11 D'Fusion, New Briggate, Leeds 1.
Licence Review (brought by the West Yorkshire Police on the grounds of crime and disorder issues associated with the premises). Premises licence subsequently revoked (An appeal against the premises licence review decision has been lodged. Also, a new premises licence application for the site has been made and is currently within the 28 day consultation period) .
- 3.12 Entertainment Licensing enforcement officers supplied witness statements in support of the review application detailing their involvement with the premises and management (Note – the premises operator previously successfully prosecuted by the Entertainment Licensing Enforcement Team in 2008 for a number of Licensing Act breaches resulting in £4,000 fines and £4097.90 costs awarded to Leeds CC).
- 3.13 Proceeds of Crime Act (court hearing outcome)
- 3.14 Following a lengthy investigation by ELS enforcement and West Yorkshire Trading Standards Service in to an unlicensed sex shop operating from a residential property in Beeston, Leeds 11, selling unclassified pornographic DVDs by mail order etc resulting in criminal convictions (July 2011), both services jointly applied for Proceeds of Crime Act (POCA) against the convicted offender.

- 3.15 In respect of the criminal convictions in July 2011, the offender was sentenced to six months imprisonment, suspended for two years and ordered to undertake 150 hours of unpaid work.
- 3.16 In respect of the proceeds of crime element, ELS together with West Yorkshire Trading Standards Service jointly instructed the Kirklees Council POCA Team to investigate the convicted offender's financial assets.
- 3.17 In March 2012 at Leeds Crown Court the convicted offender was ordered to repay £55,000 from the proceeds of his criminal activities.
- 3.18 Outdoor Events
- 3.19 ELS enforcement continue to be actively engaged in the city's summer programme of outdoor events, which involves attending multi-agency safety advisory groups in the planning phase lead-up as well as undertaking risk-based compliance visits to selected events.
- 3.20 Leeds Alcohol Management Board
- 3.21 ELS is represented at the regular meetings of the Leeds Alcohol Management Board which looks at ways of reducing alcohol harm across the city on a strategic footing.
- 3.22 A concern raised by the board members was the availability of wine in small measures and free drinking water which is now a mandatory condition of the Licensing Act. It was considered by the board that a number of licensed premises were failing to offer alcohol in the smaller measures.
- 3.23 In response, ELS enforcement officers factored these checks into their programme of visits. 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.
- 3.24 Findings to date have found a high compliance rate among operators for the three mandatory licence conditions. Where non-compliance was noted this was immediately rectified.
- 3.25 Six Weekly Tasking Meetings
- 3.26 In February this year a new 'grass roots level' six weekly tasking meeting was set up for the city centre, chaired by West Yorkshire Police and attended by a variety of partner agencies including ELS. The main aim of this tasking regime is to break down barriers to partnership working, allow attendees to make and develop contacts in all the partner agencies and to facilitate easier, quicker partnership working in delivering positive outcomes. The tasking meeting complements existing higher level multi agency groups for the city centre, such as, the City Centre Divisional Community Safety Partnership which meets every three months.

3.27 Pubwatch

3.28 Enforcement officers continue to engage with operators offering guidance on the mandatory licensing conditions. In addition officers utilise the many Pubwatch forums across the Leeds district which are attended by premises management / representatives to offer guidance on mandatory licensing conditions requirements and how to comply with them.

3.29 Complaints investigated by Entertainment Licensing Enforcement

3.30 For the reporting period April to June 2012 a total of 70 complaints have been or are still being investigated by the ELS enforcement team. The complaints received are from members of the public, elected members, businesses, agencies as well as self-generated by the enforcement team. The majority of complaints are for matters pertaining to the Licensing Act typically for unregulated licensable activities, excessive noise, going beyond permitted hours/activities, breach of one or more licence conditions, unlicensed premises (e.g. hot food takeaways).

3.31 Of the 70 complaints investigated by the Enforcement Team forty-six have been resolved and closed out. Twenty-four complaints are still being investigated, some in conjunction with other agencies.

3.32 A selection of the complaints investigated by the Enforcement Team included:

- Complaint referred by Trading Standards regarding the alleged sales of alcohol being made at an off-licence in the Leeds 12 area by a person under the age 18 years. ELS enforcement visited the premises and provided advice in accordance with the Licensing Act. Trading Standards were made aware of the outcome and to collectively monitor the premises for compliance.
- Scrap metal dealer operating from a residential address creating nuisance to residents. The complaint also revealed the storage of red diesel and child protection issues. It transpired that the operator was properly registered as a scrap metal dealer, and the other matters are now being addressed and monitored via the Local Neighbourhood Policing Team.
- Complaint concerning a suspected breach of the Gambling Act by a public house member of staff acting as a betting intermediary without proper licence authorisation. ELS enforcement attended the public house in company with the police and found a number of betting slips on the premises indicating betting was taking place. The DPS admitted taking bets on behalf of customers to an established betting organisation but unaware that he was acting in contrary to legislation. Matter resolved and premises to be monitored by the Enforcement Team. Gambling Commission informed.
- Complaint referred by Leeds CC Planning Compliance Team about food takeaway premises suspected of providing hot food after 11pm without a licence. Planning Compliance looking in to possible planning consent

contraventions. Warning letter sent to the premises by ELS enforcement and followed by a visit to the premises at 11.50pm when the premises were found closed. A further visit is to take place and if a negative outcome the complaint investigation will be closed.

- Complaint received for a late bar allegedly allowing persons under the age of 18 on to the premises and consuming alcohol. ELS enforcement officers and West Yorkshire Police arranged an action planning meeting with the premises licence holder to discuss concerns and agree action point objectives to address issues. Premises agreed to employ additional door-staff to address issues identified by agencies. Also, at the request of Licensing and the police, additional cctv camera installed at the entrance to the premises to capture head shots of all customers (West Yorkshire Police Imaging Unit have since undertaken a detailed cctv imaging survey of the premises). Agencies to monitor the premises for compliance.
- Complaints received from several residents about excessive noise experienced from a temporary event notice held by a private members club. Noise complaints were logged with the police and the council's Environmental Protection Team. ELS enforcement, the police and the Environmental Protection Team engaged with the club's management to discuss and address concerns. During the course of enquiries it was identified that the club was operating in contravention of their existing Club Premises Certificate by publicly advertising events and allowing the public to make use of the club facilities. Advice has been provided to the club and most matters have now been resolved. Agencies continue to monitor.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.2 ELS host monthly meetings of the Licensing Enforcement Group (L.E.G.) which involves all responsible authorities and other partners to discuss issues relating to the licensing objectives of the Licensing Act 2003 and licence compliance. Actions to address areas of regulatory and enforcement concerns are agreed, utilising all available partner agency resources, where appropriate, to secure compliance by the most effective and efficient means.

5.0 Equality and Diversity / Cohesion and Integration

- 5.1 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.

6.0 Council Policies and City Priorities

- 6.1 The work of the ELS enforcement team is underpinned by the individual Statement of Licensing Policies for the Licensing Act 2003, Gambling Act 2005 and the

Licensing of Sex Establishments. These policies address relevant objectives as prescribed by legislation, but in the main offer to protect the vulnerable and children, and prevent nuisance, crime and disorder and promote safety.

All partner agencies have entered into a Responsible Authority Joint Enforcement Protocol which agrees enforcement action and the responsibilities of each partner agency.

7.0 Resources and Value for Money

7.1 The ELS enforcement team continue to engage with other services and agencies internal and external to the Council and through the Licensing Enforcement Group intelligence and data is brought together to identify key areas for partnership working.

8.0 Legal Implications, Access to Information and Call In

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

9.0 Risk Management

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

10.0 Conclusions

10.1 ELS enforcement team provide support and specialist advice to the licensed trade and similarly are available to provide a service to the public.

The team work in partnership with other services internal and external to the Council to uphold the licensing objectives and the priorities for Leeds.

The activities over the last reporting period have been described in this report for Member's information and discussion.

11.0 Recommendations

11.1 That members note the contents of the report and to agree a further update report for the period 1 July – 31st December 2012.

Background Papers

Responsible Authority Joint Enforcement Protocol