

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 12th February 2013

Subject: Update on Enforcement Activity (July to December 2012) - Entertainment Licensing Liaison & Enforcement Team

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

This report provides an update to the activities of the Entertainment Licensing Section Liaison and Enforcement Team who have been working with premises and partner agencies to promote the licensing objectives and licence compliance.

Recommendations

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 the Entertainment Licensing Section Liaison and 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 The Entertainment Licensing Section (ELS) has a liaison and enforcement team consisting of 5 Senior Liaison and Enforcement Officers and 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 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 following are examples of the regulatory functions under which the Team operate:

Licensing Act 2003

Premises licences & personal licences for regulated entertainment and/or alcohol

Gambling Act 2005

Premises licences/permits for various gambling activities including the large casino

Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing & Crime Act 2009

Sex establishments (ie adult shops) and Sex Establishments (lap dancing)

Scrap Metal Dealers Act 1964

Registration of businesses that trade in scrap metal

Vehicles (Crime) Act 2001

Registration of motor salvage operators

Marriage Act 1949

Venues for the conduct of civil marriage ceremonies

Police, Factories etc (Miscellaneous Provisions) Act 1916

Charity street collections

House to House Collections Act 1939

Charity house to house collections

Legislative & Regulatory Reform Act 2006 – Regulators' Compliance Code (April 2008)

Regulates the manner in which enforcement authorities conduct their enforcement activities

Regulation of Investigatory Powers Act 2000 (RIPA)

Police & Criminal Evidence Act 1984 (PACE)

2.4 The work of the team 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, Leeds City Council Community Safety.

3.0 Main issues

3.1 This report presents the activities undertaken by the ELS Liaison and Enforcement Team during the period July to December 2012 for information and discussion.

3.2 Standard Joint Operations

3.3 During the reporting period joint risk based licensing compliance visits by the ELS Liaison and Enforcement Team 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 Neighbourhood Policing Teams (NPT) in the following areas:

Otley, Stainbeck, Pudsey, City Centre, Morley, Holbeck, Armley and Killingbeck.

3.4 Similar compliance visits by the ELS Liaison and Enforcement Team and the British Transport Police have taken place to licensed premises in the city centre.

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

3.6 Joint city centre visits with the West Yorkshire Police (and other agencies, as required), take place on at least one occasion per month (Operation Capitol).

3.7 Other Joint Operations

3.8 On the 20th and 21st August 2012 ELS participated in a planned operation - Operation Brighton - in the lead-up to Leeds Festival. The operation, led by VOSA (Vehicle & Operator Services Agency) and supported by various agencies including the UKBA, WYP, HM Court Services, HM Customs and Excise looked at trader concessions entering the Leeds Festival site and related legislation. Attending agencies were satisfied that compliance rates showed continuing improvement based on previous operations.

3.9 On the 22nd and 23rd August 2012 – ELS took part in the Multi Agency Response Vehicle (MARV) operation set up by agencies with the support of Festival Republic to tackle ticket touting outside the Leeds Festival event site. The operation, led by West Yorkshire Trading Standards, was supported by a number of agencies including ELS and was a resounding success resulting in a reduction in the number of ticket touts operating outside the grounds compared to previous years.

3.10 On the 22nd September 2012 ELS took part in a joint operation with the Security Industry Authority (SIA) and West Yorkshire Police into suspected fraudulent use of a SIA accreditation badge used by a member of door-staff at a licensed public house. One door-staff member was subsequently arrested by the police. A witness statement was provided by ELS. The SIA's enquiries are on-going into suspected offences.

- 3.11 On the 26th October 2012 ELS took part in an Intelligence-led joint operation with WYP and the UK Border Agency to an unlicensed premises suspected of unauthorised sale of alcohol and immigration matters. Evidence gathered of suspected Licensing Act breaches over several months. Two persons detained for immigration matters and are awaiting removal from the UK, one of whom was classified as high risk. Enquiries are on-going.
- 3.12 Formal actions taken within current reporting period
- 3.13 Italian Pizza Bar and Village India – Stanningley Road, Leeds 12
- 3.14 Offence: unauthorised provision of late night refreshment following covert evidence gathered by ELS over separate dates.
- 3.15 Trial listed for hearing at Leeds Magistrates' Court on 18.01.13. The defendant failed to attend and the matters were dealt with in their absence.
Result: The defendant was found guilty and convicted on all charges, fined £15,000.00, ordered to pay costs of £2967.53 and £15 victims' surcharge.
- 3.16 Outdoor Events
- 3.17 The Entertainment Licensing Section was involved in the city's programme of outdoor events, which included attending multi-agency safety advisory groups in the event planning process as well as undertaking compliance visits to risk rated selected events, which included:
- 07.07.12 – Hyde Park Unity Day, Woodhouse Moor
 - 07.07.12 – Cocoon, Templenewsam
 - 21.07.12 – Opera in the Park, Templenewsam
 - 22.07.12 – Party in the Park, Templenewsam
 - 05.08.12 – Leeds Pride, Leeds centre
 - 23-23.08.12 – Leeds Festival, Bramham Park
 - 01.09.12 – Chapel Allerton Arts Festival
 - 02.09.12 – Leeds Asian Festival, Roundhay Park
 - (various dates) – German Christkindelmarkt, Millennium Square
- 3.18 Leeds Alcohol Management Board
- 3.19 The Entertainment Licensing Section is represented on the Leeds Alcohol Management Board looking at ways of reducing alcohol harm across the city on a strategic footing.
- 3.20 In April 2012 health bodies became a 'responsible authority' for the purpose of the Licensing Act 2003. In September 2012 ELS were invited to at a workshop attended by representatives of the Regional Alcohol Group, National Treatments Agency, the NHS and alcohol leads from the region and beyond. At this workshop ELS provided a presentation on the procedures already being practiced in Leeds which was taken away as an example of joint working between the licensing authority and health bodies for the purpose of the Licensing Act 2003.

3.21 Six Weekly Tasking Meetings

3.22 In February 2012 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.

3.23 Leeds Pubwatch

Leeds Pubwatch is a crime reduction initiative with the aim to reduce alcohol related crime in licensed premises. There are currently 16 schemes across the Leeds district which are run by licensees and are supported by Safer Leeds Partnership with Leeds City Council, West Yorkshire Police and other agencies. The scheme is fully supported by a dedicated full-time Pubwatch coordinator employed by Leeds City Council.

Members of Pubwatch have the ethos of achieving a safer drinking environment which will benefit both licensee and customer. Pubwatch members meet regularly to discuss issues relating to social responsibility and the safety of customers and visitors to the area. Pubwatch also looks at how licensees can work together to create an environment whereby local businesses prosper by reducing alcohol related issues.

In further promoting the scheme a dedicated secure Leeds Pubwatch website has been developed for use by its members and agencies. The website was launched in August 2012 and facilitates the sharing of information by members and agencies including details of banned persons from licensed premises, local intelligence, guidance and miscellaneous information.

3.24 Business Against Crime in Leeds (BACIL)

3.25 Entertainment Licensing were invited to sit on the BACIL board of members. BACIL is a non-profit making partnership against business crime and disorder in Leeds. It works with the West Yorkshire Police, Leeds City Council, Leeds and North Yorkshire Chamber of Commerce, the Leeds Crime & Disorder Reduction Partnership (Safer Leeds). ELS are able to offer guidance on licensing related matters, including regulatory and enforcement issues.

3.26 Complaints investigated by Entertainment Licensing Enforcement

3.27 For the reporting period July to December 2012 a total of 123 complaints have been received for investigation. The complaints made were by members of the public, Elected Members, businesses, agencies as well as those self-generated by the Enforcement Team resulting from compliance visits. The majority of complaints investigated were 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). The following is a selection of some of the complaints investigated.

- 3.28 Young persons and alcohol - Concerned parent made a complaint about her teenage son (aged under 18 years) and friends booking in to a Leeds budget hotel and getting intoxicated (albeit on alcohol purchased elsewhere). The ELS case officer spoke to hotel management to discuss the issues and to offer advice. Subsequently the hotel was to review its practices and implement new procedures to address potential issues for groups of young persons staying at the hotel.
- 3.29 Scrap metal dealer – Complaint made by a member of the public concerning a possible fraudulent scrap metal dealer’s licence purportedly issued by Leeds City Council. Enquiries revealed the ‘licence’ to be fraudulent. No such business existed at the address stated on the ‘licence’, furthermore enquiries made revealed a bogus website for the ‘business’. Information was passed to the West Yorkshire Police for further investigation.
- 3.30 Illegal gambling on alcohol ‘on’-licensed premises – On visiting a premises to offer guidance on anti-touting in the lead-up to Leeds Festival, ELS officer found evidence of illegal betting/providing facilities for betting taking place on the premises, i.e. betting slips on the bar top and the licensee acting as a betting intermediary. In addition, there were issues identified about the designated premises supervisor’s authority. A formal warning letter was issued to the premises licence holder and designated premises supervisor setting out the Gambling Act and Licensing Act contraventions. With guidance provided, the premises returned to compliance. Details of the gambling contraventions were passed to the Gambling Commission for its information.
- 3.31 Unlicensed sex shop – Licensed sex shop retailer complained about a high street retailer selling sex articles in the window displays of their Leeds stores. Following a visit by a licensing enforcement officer to the premises it was concluded that the unlicensed premises were not operating to a ‘significant degree’ selling ‘sex articles’ and, therefore, did not require a sex shop licence.
- 3.32 Refusal of entry to premises by groups of males - Complaint made against several city centre bars refusing entry to groups of males, which they deemed to be discriminatory and serving no particular purpose. Enforcement discussed the complaint with the premises’ management teams who agreed to review their entry policies and amend wording to address concerns. Information on the Equality Act was circulated to Leeds Pubwatch members, both in the city centre and outer districts.

4.0 Corporate Considerations

4.1 Consultation and Engagement

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

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 Enforcement 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 the Entertainment Licensing Liaison and 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.

5.0 Conclusions

5.1 Entertainment Licensing's Liaison and Enforcement Team provide specialist liaison and advice to premises licensed under the Licensing and Gambling Acts as well as numerous other areas of legislation appertaining to various licensing regimes. An overview of the Teams activities over the last reporting period have been described in this report for Members information and discussion.

6.0 Recommendations

6.1 That members note the contents of the report.

Background Papers

Responsible Authority Joint Enforcement Protocol