

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 23rd July 2013

Subject: Update on Enforcement Activity (January to June 2013)
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 (ELS) 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 has a liaison and enforcement team consisting of five 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 (i.e. adult shops) and Sex Establishments (lap dancing)
- Scrap Metal Dealers Act 1964 (Repealed by the Scrap Metal Dealers Act 2013) - Registration of businesses that trade in scrap metal
- Vehicles (Crime) Act 2001 (Part 1 repealed by the Scrap Metal Dealers Act 2013) - 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.

2.5 A new Information Sharing Agreement has been devised which is bespoke to the Licensing Enforcement Group partners (LEG) and will facilitate the sharing of protectively marked and confidential information by signatories to the agreement, further supporting and encouraging closer partnership working in providing intelligence-led enforcement.

3.0 Main issues

- 3.1 This report presents the activities undertaken by the ELS during the period January to June 2013 for information and discussion.

Standard Joint Operations

- 3.2 During the reporting period joint risk based licensing compliance visits by ELS and West Yorkshire Police (WYP) Neighbourhood Policing Teams (NPTs) have taken place across the Leeds district. The aim of the visits is to promote a safe, sensible and social drinking environment through compliance of licence conditions and the promotion of the licensing objectives, to develop and maintain good professional working relationships with the licensed trade, and to reassure members of the public by means of high visibility partnership working. In summary, joint visits have taken place with the NPTs in Otley, Wetherby, Pudsey, City Centre, Morley, Seacroft and Killingbeck.
- 3.3 Joint city centre licensing compliance visits with the WYP (and other agencies, as required), take place on at least one occasion per month (Operation Capitol).

Other Joint Operations

- 3.4 Illegal drinking establishment in Leeds 8: 26th October 2012 ELS took part in an Intelligence-led joint operation with WYP and the UK Border Agency to a 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. Subsequent follow-up enquiries in April 2013 found the premises continuing to sell alcohol without a licence. ELS issued a section 19 closure notice at the time of the visit to cease all unauthorised activities.

A further visit one week later found the premises were continuing to sell alcohol. ELS instigated a section 20 closure order application to the magistrates' court to physically close down the premises, however, a subsequent visit revealed the premises had been vacated and reverted to a residential property, therefore the application was withdrawn. ELS have instigated formal prosecution proceedings against the person in charge of the premises for suspected breaches under the Licensing Act 2003 which can, on summary conviction, carry a penalty of £20,000 or 6 months imprisonment, or both.

- 3.5 Metal theft day of action: 3rd June 2013 ELS, WYP and other agencies participated in a day-long regulatory and compliance operation in to the movement of stolen scrap metal across the district. Operation Alaska was organised by Otley Neighbourhood Policing Team. Roads Policing Unit selected vehicles and escorted them to the Hare & Hounds Car Park just off the A65 in Menston where Otley NPT and other Agencies including VOSA, HMRC, Trading Standards & Environmental Enforcement inspected the vehicles. A number of vehicles carrying scrap metal were brought to the car park throughout the day.

None of the vehicles carrying scrap metal were from the Leeds area and the majority were from Bradford. None of the occupants of the vehicles had a registration under the Scrap Metal Dealers Act 1964. All of the vehicles had a waste carriers licence under the Control of Pollution (Amendment) Act 1989. A number of vehicles were found with defects and to be overweight. They were taken to Brotherton's Scrap Yard in Eller Ghyll, Otley and put on the weighbridge. A follow up visit will be done by Otley Police to check the scrap yards records to ensure continued compliance.

- 3.6 Security Industry Authority (SIA): 22nd September 2012 joint operation with the SIA into suspected fraudulent use of a SIA accreditation badge used by a member of door-staff at a public house. One door-staff member was subsequently arrested by the police. A prosecution is being brought by the SIA against two company directors and one employee charged with offences of supplying unlicensed door supervisors and advertising the company as having SIA Approved Contractor Status, with supporting evidential witness statements provided by ELS and WYP. Plea hearing at Leeds Magistrates' Court on the 26th June 2013.

Formal actions taken within current reporting period

- 3.7 Mega Bites, Leeds 16: Offence for the unauthorised provision of late night refreshment heard at Magistrates Court on 3rd April 2013. The defendant pleaded guilty to all three charges which resulted in a 12 month conditional discharge and costs of £2,154 awarded to LCC.
- 3.8 Public House in Guiseley LS20. Offences of unauthorised sale of alcohol beyond the current permitted hours of the premises licence; exposing alcohol for unauthorised sale; and keeping alcohol on premises for unauthorised sale. Date of offences: 15th February 2013. The Designated Premises Supervisor (DPS) fully admitted all the offences and accepted a formal caution.

Outdoor Events

- 3.9 The ELS is involved in the city's programme of outdoor events, which involves attending multi-agency safety advisory groups in the event planning process as well as undertaking compliance visits to risk rated selected events, which included:
- 05.05.13 – The Vaccines, Millennium Square
 - 25.05.13 - Slam Dunk Festival, Leeds University campus
 - 26.05.13 - LS21 LIVE, Otley RUFC
 - 01.06.13 - Summer Ball, Leeds University Campus
 - 01.06.13 - Cliff Richard, Harewood House
 - 01.06.13 – Fake Festival, Wharfe Meadows Park, Otley
 - 01.06.13 - Bramley Music Festival
 - 01.06.13 – Yorkshire Rocks Cancer, Millennium Square
- 3.10 Furthermore, the ELS have been involved in regular multi-agency meetings in preparation of this year's Leeds Festival which will be held over the August Bank Holiday weekend at Bramham Park. The frequency of meetings will not start to increase and officers will be on site throughout the duration of the event.

Leeds Alcohol Management Board

- 3.11 The ELS is represented on the Leeds Drugs and Alcohol Management Board looking at ways of reducing alcohol harm (and drugs misuse) across the city on a strategic footing.
- 3.12 The ELS were recently involved in the review of the Leeds Alcohol Harm Reduction Action Plan 2011-15.

Six Weekly Tasking Meetings

- 3.13 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 the tasking group is to work together in promoting community safety by breaking down barriers to partnership working, allowing attendees to make and develop contacts with partner agencies and to facilitate easier, quicker and effective partnership working in delivering positive and meaningful outcomes. Typical issues include alcohol related hot-spots for violent crime, environmental protection, anti-social behaviour, other crime types, crime prevention initiatives. 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.

Leeds Pubwatch

- 3.14 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.
- 3.15 The Leeds PubWatch Coordinator has been working closely with partner agencies including the ELS, the police, key stakeholders and licensees to raise awareness of local and national issues affecting the residents of Leeds such as North East Counter Terrorism Unit (Hostile Reconnaissance), Prevent Strategy (Tackling Extremism), Stop Loan Sharks (Birmingham Trading Standards) and Counterfeit Money (Bank of England). Currently service delivery includes coordinating local responses by WYP to deliver campaigns to licensed premises which tackle issues such as, Burglary, "One Punch" deaths and drink driving, 'Legal Highs' (Legal highs are substances used like illegal drugs such as cocaine or cannabis but not covered by current misuse of drugs laws. (Source: www.nhs.uk).

Scrap Metal Dealers Act 1964

- 3.16 The Scrap Metal Dealers Act 2013 received Royal Assent on 28th February 2013 and repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and

vehicle dismantling industries in England and Wales. The new measures contained in the Act are expected to come into force on the 1st October 2013.

- 3.17 The Act requires all individuals and businesses who wish to carry on a business as a scrap metal dealer to apply for a licence under the enhanced application process contained in the Act. Carrying on business as a scrap metal dealer without a licence is an offence. LCC Licensing Authority will have the power to turn down unsuitable applicants and revoke licences if the dealer is considered 'unsuitable'. The new Act provides greater powers of entry and inspection by both the Local Authority and the police, and will further promote closer partnership working in tackling metal theft.
- 3.18 The offence of buying scrap-metal for cash. On the 1st May 2012 the Legal Aid, Sentencing and Punishment of Offenders Act 2012 received Royal Assent. The Act aims to remove the rewards that make metal theft such a low risk criminal enterprise for metal thieves and unscrupulous dealers.

Business Against Crime in Leeds (BACIL)

- 3.19 Entertainment Licensing sit on the BACIL board of members, which meets regularly. BACIL is a non-profit making partnership against business crime and disorder in Leeds working. 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 offer guidance on licensing related matters, including regulatory and enforcement issues.

Formal representations to licence applications

- 3.20 ELS made formal representations against the following licence applications.
- 3.21 Venus Foods (Leeds) Limited, LS10 – Application for an off-licence. Representation made on the grounds of i.) public safety, and ii.) The protection of children from harm (premises are caught within the licensing authority's local area guidance for South Leeds). Measures proposed by ELS and other responsible authorities were accepted by the applicant.
- 3.22 Wildcats – Application for the transfer of Sexual Entertainment Venue (SEV) licence. Representation made opposing the transfer of the application on the grounds of the suitability of the applicants suitability. Subsequent to this a new manager was put forward and the application approved at Licensing Sub Committee.
- 3.23 Tantric Blue – Application for new Sexual Entertainment Venue (SEV) licence. Representation made opposing the proposed name for the premises. The Licensing Authority is of the opinion the name, which has sexual connotations, will undermine the licensing objectives – i.) The protection of children from harm, and ii.) The prevention of crime and disorder.
This application remains subject to a hearing before the Licensing Sub Committee.

Complaints investigated by Entertainment Licensing Enforcement

- 3.24 For the reporting period January to June 2013 a total of 92 complaints have been received by the Section from members of the public, Elected Members, businesses, agencies as well as those self-generated by the ELS 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), Temporary Event Notices and consequential noise and and/or anti-social behaviour. The following is a selection of some of the complaints investigated.
- 3.25 WYP referred a public house suspected of selling alcohol beyond the permitted hours. Enquiries found the premises had exceeded the hours of licence. The DPS was formally interviewed admitting the offences in full and accepted a formal caution.
- 3.26 Complaint received concerning a drinks delivery service operating beyond the permitted hours of their LCC issued premises licence. Enquiries revealed the business advertised the delivery service on its website for Leeds and two other local authority areas in West Yorkshire. A joint approach with Bradford police and licensing colleagues resulted in a warning letter being served on the DPS by LCC ELS. The website advertising the erroneous times was removed.
- 3.27 Complaint about a city centre bar causing anti-social behaviour and nuisance. Agency engagement is taking place with the premises' management.
- 3.28 Complaints received for a hot food takeaway alleged to be providing hot food beyond its permitted hours. A series of late night visits were carried out by the ELS who gathered evidence of licensing offences on three separate occasions. Suspects are currently being formally questioned which could lead to formal prosecution proceedings.
- 3.29 Complaints received from Ward Members and residents in Leeds 6 concerning an event which took place without a TEN causing nuisance and anti-social behaviour. Investigations are underway by the appropriate agencies.
- 3.30 Again in Leeds 6, with the assistance of partners including Environmental Protection a counter notice was served on the prospective TEN user prohibiting the event from going ahead in order to prevent nuisance to residents.

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.

4.1.2 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.

4.3.2 The licensing regime contributes to the following aims:

Best Council Plan 2013-17:

- Improve the quality of life for our residents, particular those who are vulnerable or in poverty;
- Make it easier for people to do business with us; and
- Achieve the savings and efficiencies required to continue to deliver frontline services.

Best Council Objectives:

- Building a child friendly city – improving outcomes for children and families
- Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city

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

Leeds Responsible Authority Liaison and Joint Enforcement Protocol (June 2010)