

## **Report to Licensing Act Committee**

**Subject:** Compliance / Enforcement Report – Licensing Act 2003

**Date:** 25<sup>th</sup> March 2014

**Author:** Corporate Director

### **1. Purpose of the Report**

To inform Committee of the compliance / enforcement visits undertaken by officers of the Licensing Section in connection with the Licensing Act 2003 in 2013 and any action taken.

### **2. Background**

It is expected that all premises to which a premises licence has been granted by the Licensing Authority, under the Licensing Act 2003, are regularly visited by Licensing Officers. The visits, often in the company of the Police, enable the Licensing Authority to determine if the premise is being run in accordance with the licence, and that there is full compliance of the conditions attached to the licence.

The visits not only focus on non-compliance that may result in enforcement, but also act as a vehicle for information sharing and raising the awareness on topics such as, changes in legislation, crime and ASB trends in the area and any general advice and information requested. To further support this, the Licensing Officers regular attend the local Pubwatch meetings. The visits also provide a valuable opportunity for Designated Premises Supervisors, managers and staff of the premises to meet members of the Licensing Section, thus encouraging a healthy working relationship between all parties.

### **3. Proposal**

To continue to undertake visits of licensed premises, under the Licensing Act 2003, ensuring premises are being run in accordance with the licence, and that there is full compliance of the conditions attached to the licence.

### **4. Resource Implications**

None

### **5. Recommendation**

To note the report and the attached lists of compliance visits.

### **6. Appendices**

Appendix 1 - List of Compliance visits March 2013

Appendix 2 – List of Compliance visits July 2013

Appendix 3 – List of Compliance visits November 2013

Appendix 4 - List of Compliance visits as part of the Association of Chief Police Officers (ACPO) Week of Action September 2013

Appendix 5 – Details of investigation into alleged unauthorised alcohol sales at a premise within the Borough

# Appendix 1

## Compliance visits Mapperley/Gedling – 1<sup>st</sup> March 2013

### Takeaways and Off-licence

- Co-op 938-942 Woodborough Road, Mapperley
- Amores, 65 Gedling Road, Carlton
- Bombay Restaurant 39 Plains Road Mapperley
- Dominos Pizza 41E Plains Road, Mapperley
- Espresso Pizza 204 Woodborough Road, Mapperley
- Hoo Tak 902 Woodborough Road, Mapperley
- Indigo Takeaway 884B Woodborough Road, Mapperley
- Peking House 9 Plains Road, Mapperley
- Spice 459 Westdale Lane, Mapperley
- Westdale Balti House 16 Westdale Lane, Gedling
- Gedling Fish Bar 9 Westdale Lane, Mapperley

All of the premises visited were operating within their licence provisions. The only issue identified was that some premises were not displaying the licence summary and in some cases could not locate the copy of the full licence which should be held on the premises. A follow up letter was sent to all premises visited thanking them for their co-operation and advising on any action the licence holder is required to take. In one case the licence holder was deceased but the premises no longer required a licence anyway.

## **Appendix 2**

### **Compliance visits Arnold – 24<sup>th</sup> July 2013**

#### **Restaurants and Takeaways**

- Luigis 98-100 Nottingham Road
- Bombay Spice (New Dehli)
- Golden Wok
- Papa Johns
- Koh-I-Noor
- Blue Circle Fish Bar
- Arnold Liberal Club (West Street Room)
- Arnold Labour Club
- Emilios Greek Restaurant Ltd
- Piccolo Restaurant
- Sitar Restaurant
- Home Bar
- Birds Garden
- The Fish King
- Midland Kebabs

#### **Public Houses**

- Flying Horse and Pegasus Snooker Club
- The Longbow
- The Greyhound
- Friar Tuck
- Cross Keys
- Robin Hood and Little John

For the restaurant and takeaways the following action was taken/advice given:

- Advice given to update licence holder details ie name and/or address
- Suspension of licence notice sent – under the Licensing Act 2003 the Licensing Authority have to suspend the premises licence for non-payment of annual fee
- A copy of licence sent as licence holder alleged the original had not been received
- Confirmation received that late night refreshment ends a 11pm (only require licence after 11pm)
- Designated Premises Supervisor change required
- Transfer of licence required

For the Public Houses

- No licensing issues identified on this visit.

## **Appendix 3**

**Compliance visits Gedling – 6<sup>th</sup> November 2013**

### **Public Houses**

Earl of Chesterfield

Fox and Hounds

Blacks Head

- One premises Designated Premises Supervisor deceased – advice given

## **Appendix 4**

### **Association of Chief Police Officers (ACPO) Week of Action – Licensing 16<sup>th</sup> September 2013 – 20<sup>th</sup> September 2013**

#### **Licensed Premises checks - Licensing Act 2003**

**17<sup>th</sup> September 2013 1pm – 3pm**

Rachel Pentlow – GBC Licensing Officer

PC Sue Chilton

PC Lee Evans

Gedling South

4 public houses visited

- 1 licence required amendment to the Designated Premises Supervisor name. Fee was paid by cheque and amended licence has been sent.
- 1 licence not displayed – not yet received from brewery as recent Designated Premises Supervisor (DPS) changed. DPS to chase it up.

1 Off- licence visited

- No issues

**18<sup>th</sup> September 2013 6pm – 9pm**

Rachel Pentlow – GBC Licensing Officer

Niki Pekal – GBC Neighbourhood Warden

PC Martin Blake

PC David Stafford

Gedling North

6 public houses visited

- No summary displayed in 1 pub – DPS to locate it or pay for a replacement copy.

4 Off-licences visited

- One premises CCTV only available for 2 weeks instead of 31 days – advice given – Police licensing officer notified

**19<sup>th</sup> September 2013 6pm – 9pm**

Rachel Pentlow – GBC Licensing Officer

Annette Knowles – GBC Licensing Technical Assistant

PC Lee Evans

PC Liam Marshall

Gedling North

4 pubs visited

- No licensing issues identified

3 Off-licences visited

- Summary not displayed in 1 premise and no evidence of age policy. Follow up visit required.

## **Appendix 5**

### **Investigation into alleged unauthorised sale of alcohol at a premise within the Borough**

Under Section 136 of the Licensing Act 2003 it is an offence to sell alcohol without a licence. In 2013 a restaurant premises in the area was identified as allegedly selling alcohol without a licence. The results of the investigation into this are as follows.

The Licensing Section received information from a member of the public that a restaurant premises in the Arnold area was advertising alcohol for sale by way of a sign outside stating that they had a bar. The premises in question had a licence which was currently suspended for non-payment of the annual fee. It was also known that the premises licence holder named on the licence no longer had a business interest in the premises. For some time it had operated a 'take your own alcohol' policy and compliance checks had been carried out by the Licensing Team during this time.

In September 2013 a new business had taken over the premises and it was this business that begun to offer the bar facilities.

On 19<sup>th</sup> November 2013 the Licensing Officer and the Environmental Health Officer visited the premises. With the business operators consent an interview was conducted but when it became clear that there was a lot of ground to cover the officers suggested that the operator attend the Council Officers for a more formal interview.

On 22<sup>nd</sup> November a formal interview under caution was carried out and, based on the information obtained during the interview, the Legal Department confirmed that there was enough evidence to carry out a prosecution under the Licensing Act 2003. They also advised of another route of dealing with the situation by way of the issuing of a simple caution to the operator.

In the meantime the business operator made the necessary arrangements to transfer the existing suspended premises licence into his name and to have the suspension lifted by payment of the outstanding annual fees owing. He also arranged for the change of the designated premises supervisor.

After consideration of the nature of the offence, the fact it was a first offence and the minimal amount of alcohol sold, together with the operators mistaken belief that the licence previously issued was still valid, the decision was taken to offer the operator the opportunity to accept a simple caution for the offence. In addition regard was given to the immediate steps taken after the interview, by the operator, to rectify the situation.

The simple caution, for the offence of unauthorised sale of alcohol under Section 136 of the Licensing Act 2003, was administered on 19<sup>th</sup> February 2014 and a record will be retained on the premises licence holders file.