

Date: 25th August 2015

Dear Sir/Madam,

GENERAL PURPOSES COMMITTEE & LICENSING COMMITTEE

Notice is hereby given that a meeting of the **General Purposes Committee** will be held in Room G21, Kelham Hall, Newark on Thursday, 3rd September 2015 at **6.00pm**.

Notice is hereby given that a meeting of the **Licensing Committee** will be held in Room G21, Kelham Hall, Newark on Thursday, 3rd September 2015 immediately following the General Purposes Committee.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

Page Nos.

1. Apologies

GENERAL PURPOSES COMMITTEE

1

2. Declarations of Interests from Members and Officers

3. Declaration of any Intention to Record Meeting

4. Minutes of the Meeting held on 11th June 2015

2 - 4

PART 1 – ITEMS FOR DECISION

- | | | |
|----|--|--------|
| 5. | Review of a Hackney Carriage & Private Hire Driver’s Licence | 5 - 7 |
| 6. | Impact of the Deregulation Act 2015 on the Duration of Private Hire and Hackney Carriage Drivers Licences and on the Duration of Private Hire Operators Licences | 8 - 13 |

PART 2 – ITEMS FOR INFORMATION

None

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

- | | | |
|----|---|---------|
| 7. | Update on Performance and Enforcement Matters | 14 - 16 |
|----|---|---------|

PART 4 – EXEMPT AND CONFIDENTIAL ITEMS

None

LICENSING COMMITTEE

17

- | | | |
|----|---|---------|
| 1. | Declarations of Interests from Members and Officers | |
| 2. | Declaration of Any Intention to Record Meeting | |
| 3. | Minutes of the Meeting held on 11 th June 2015 | 18 - 19 |

PART 1 – ITEMS FOR DECISIONS

- | | | |
|----|---|---------|
| 4. | Review of Statement of Gambling Policy – Consultees Responses | 20 - 22 |
| 5. | Licensing Act Training | 23 |
| 6. | Best Bar None Scheme | 24 - 44 |

PART 2 – ITEMS FOR INFORMATION

- | | | |
|----|--|---------|
| 7. | Temporary Event Notices Received and Acknowledged Between 1 st April and 30 th June 2015 Inclusive | 45 - 47 |
|----|--|---------|

PART 3 – STATISTICAL AND PERFORMANCE REVIEW ITEMS

- | | | |
|----|---|---------|
| 8. | Update on Quarterly Performance & Enforcement Matters | 48 - 49 |
|----|---|---------|

PART 4 – EXEMPT AND CONFIDENTIAL ITEMS

None

GENERAL PURPOSES COMMITTEE

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the **GENERAL PURPOSES COMMITTEE** held on Thursday, 11th June 2015 in Room G23, Kelham Hall at 6.00pm

PRESENT: Councillor Mrs R. Crowe (Chairman)
Councillor D.J. Clarke (Vice-Chairman)

Councillors: Mrs B. Brooks, G. Brooks, M. Cope, J. Lee, Mrs S.M. Michael, D.R. Payne, P. Peacock and D. Thompson

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors: Mrs K. Arnold, Mrs I. Brown, M. Buttery, Mrs S. Soar and I. Walker.

2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

3. DECLARATION OF INTENTION TO RECORD MEETING

NOTED: that there would be an audio recording of the meeting.

4. MINUTES OF MEETING HELD ON 15TH JANUARY 2015

AGREED that the Minutes of the meeting held on 15th January 2015 be approved as a correct record and signed by the Chairman.

5. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Committee considered the report presented by the Business Manager – Environmental Health in relation to the conviction of David Flint for an offence of dishonesty and for their consideration as to whether he remained a fit and proper person to hold a Private Hire/Hackney Carriage Driver's Licence.

The report outlined that Mr. Flint had previously been convicted of 2 counts of failure to declare that he was in full time work whilst claiming benefits in 2008. Following this conviction Mr. Flint appeared before the Committee for consideration as to whether he remained a fit and proper person to hold a private hire/hackney carriage driver's licence. Committee agreed that Mr. Flint's licence would not be revoked or suspended.

On 20th March 2015, Mr. Flint was convicted of 4 counts of benefit fraud and was sentenced on 23rd April 2015 to a community order of 180 hours unpaid work; payment of a victim surcharge of £60 and costs of £1,000. The judge, on passing sentence, referred to the impact that a custodial sentence would have on the employment of Mr. Flint and therefore awarded the community order.

Members were informed that Mr. Flint's current licence was due to be renewed on 1st July 2015 and it was his intention only to apply for a licence to cover him for his current employment as a private ambulance driver.

Mr. Flint was in attendance at the meeting and was asked to present his case to the Committee as to the circumstances of the case and the allegations made against him. In response, Mr. Flint advised that the matter was being taken to appeal and therefore the matter was ongoing. He further advised that he had been accused of driving a taxi whilst claiming Housing and Council Tax Benefits. He had also been accused of being an ambulance driver whilst claiming benefits. These discrepancies were the reason that an appeal against the conviction had been lodged. Mr. Flint confirmed that he had been advised that he could appeal, despite the case being held at the Crown Court and that transcripts of the trial had been applied for.

During consideration of the matter, Members queried whether it was possible to extend Mr. Flint's current licence. Officers advised that as Mr. Flint was applying for a different type of licence it would be appropriate to grant the licence for a period of 3 months pending the result of the appeal. It was noted that if the matter was not settled within that period then a letter from Mr. Flint's Solicitor would be required, advising that the appeal was still pending.

AGREED (unanimously) that:

- (a) Mr. Flint be granted a Private Ambulance Driver's Licence for an initial period of 3 months only, pending the result of the appeal; and
- (b) if, after the 3 month period, the results of the appeal remain outstanding, a letter from Mr. Flint's Solicitor advising that the appeal remained pending be sought.

6. SAFEGUARDING ISSUES AND TAXI DRIVERS

The Committee considered the report presented by the Business Manager – Environmental Health in relation to the role of taxi drivers highlighted in the Jay Report into child exploitation in Rotherham and whether the current controls imposed by the Council were adequate and robust.

The report stated that following the publication of the Jay Report there had been increased scrutiny across the country with regard to the checks undertaken during the taxi licensing process, the conditions attached to licences relating to safeguarding issues and a consistent approach that authorities take to previous convictions.

In Nottinghamshire, Chief Executives had instigated a county review of taxi licensing conviction policies to ascertain whether they remained fit for purpose and to examine the potential for a more consistent approach. It was noted that this review was ongoing.

Listed within the report were the proposed amendments to the application process. These were: review of the current knowledge test to include safeguarding questions; creation of a booklet/information sheet to provide drivers with contact details and the process to follow if they had safeguarding concerns; provision of safeguarding training for taxi drivers to be delivered by Nottinghamshire Police and that attendance to be made mandatory and part of the licence conditions. The proposal was that the training would have to be undertaken within one year.

In response to whether drivers would be required to pay for the training, Members were advised that the Police had offered to provide the training free of charge and that every effort would be made to offer this locally.

Members discussed how frequently they believed the training should be undertaken and how long drivers should be given to complete it. They were advised that at present the Police had only offered the training as a one-off but it was something that Officers were aware would need to be reviewed in the future.

Members were concerned that the proposals were insufficient and that more could be done. It was noted that Nottinghamshire County Council had a very good safeguarding team with Members querying whether they were involved with the Police training. Members unanimously agreed that a consistent approach was required.

It was noted that the proposals contained in the report were set to be adopted across the county. It was further noted that any future proposals would require careful consideration as any decision taken may have resource implications for the Police in delivering training.

AGREED (unanimously) that:

- (a) authorisation be given to the amendment of the Hackney Carriage and Private Hire Drivers Licence Conditions, such amendment to include the requirement for applicants to attend a safeguarding course within the first year of being licensed;
- (b) all existing licensed drivers be required to attend the course within one year of the condition being introduced;
- (c) Approval be given to the proposal that a driver's licence will not be renewed if they fail to attend to attend the relevant course within one year;
- (d) safeguarding issues be added to the requirements of the knowledge test; and
- (e) a periodic review of the new arrangements be undertaken with the results being reported back to Committee.

The meeting closed at 5.55pm

Chairman

REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

1.0 Purpose of Report

- 1.1 To allow Members to review the temporary licence of Mr. David Flint to consider whether he is a fit and proper person to hold a Private Hire/Hackney Driver's licence.

2.0 Background

- 2.1 At the General Purposes Committee in June 2015, Members considered a report for the renewal of the hackney carriage/private hire drivers licence for David Flint. A copy of the report is attached as **Appendix One**.
- 2.2 Mr. Flint indicated that he was lodging an appeal against his conviction and therefore it was agreed that Mr. Flint would be given a temporary 3 month licence and that the matter would be considered once the outcome of the appeal was known.
- 2.3 Legal advice has been received by Mr. Flint informing him that it is unlikely that any appeal would be successful and in light of this he has confirmed that he is no longer seeking to appeal his conviction for benefit fraud.
- 2.4 Since this time Mr. Flint has continued to operate as a licensed driver. He is currently employed by First4Care a private ambulance and patient transport company operating within the district of Newark & Sherwood. He has been employed with this company since August 2013. His current licence was issued in May 2012 and in the normal course of events would have been renewed for a further three years from 1st July 2015. His current 3 month temporary licence expires on 30th September 2015
- 2.5 On 20th March 2015, Mr. Flint was convicted of 4 counts of benefit fraud. He was sentenced on 23rd April 2015 to a community order of 180 unpaid work. He was also required to pay a victim surcharge of £60 and costs of £1,000. This is the conviction for which he is no longer seeking to appeal.
- 2.6 When passing sentence the judge made reference to the impact that a custodial sentence would have on the employment of Mr. Flint and that he would rather he remain in work and this was a factor in awarding a community order.
- 2.7 The Committee's policy on the relevance of convictions relating to dishonesty is as follows:

3.8 *Dishonesty*

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of three to five years free of conviction may be required before an application is considered.

- 2.8 Although the policy refers to applications the Council has an ongoing duty to ensure that a driver is a fit and proper person and is therefore relevant to a case such as this where the offence has taken place during the term of a licence even though that licence is subject to a renewal application. In addition, under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke or refuse to renew the licence if the driver has been convicted of an offence involving dishonesty during its currency. The relevant section of the act is set out below.

61 Suspension and revocation of drivers' licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

- (a) that he has since the grant of the licence—
- (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
- (b) any other reasonable cause.

- 2.9 The Council must give reasons for any suspension or revocation and the driver may appeal any suspension or revocation to the Magistrates Court.

3.0 Items for Consideration

- 3.1 The Committee need to determine whether the licence currently held by Mr. Flint should be renewed.

- 3.2 The offence committed is clearly one of dishonesty, however, the offence was not committed against an individual or in the course of his work and these may be factors Members wish to take into account.

- 3.3 In the previous report a reference given by Mr. Flint's current employer was in support of him. A copy is produced below. Elements of particular relevance have been highlighted for consideration by the Committee

David Flint (NSDC Badge 002165) is an employee of F4Control Limited (t/a first4care) and so we are aware of his recent conviction for benefit fraud and are conducting an internal review of his employment.

Considerations

- *first4care operates Special Educational Needs contracts on behalf of local authorities whereby we transport some of the most vulnerable children and adults in our society;*
- *For many of our contracts we are required to provide a regular driver and attendant. Any changes to personnel need to be notified in advance to our contracting authority;*
- *All contracts have a driver and an attendant so it is extremely rare for any member of staff to be left alone with our service users;*
- ***Whilst Mr. Flint's conviction is for an act of dishonesty, in his role with us he is not in a position to defraud customers as he doesn't transport fare paying customers. Fares are not charged to our service users; all our services are invoiced monthly to the contracting authority;***

- *Many of our service users are on the Autistic Spectrum and so need the security of a regular driver and attendant. Changes to routine can have devastating effect;*
- *When considering a change to an autistic service user's transport we have to pay particular attention to how change is implemented, avoiding any abrupt change and ensuring the service user is aware of any transition and is managed through the process. This comes in the form of discussing changes with all stakeholders such as the service user's family, care workers and teaching assistants to establish a transition strategy. We are particularly concerned that should NSDC's Committee deem Mr. Flint not fit and proper to hold a "taxi" licence he will have his licence revoked with immediate effect and thus prevent us from developing a transition strategy for our service users; the effect of which may have significant negative impact on the service users, their learning environment and ultimately the continuity of our contract with the local authority;*
- ***Independent to our internal review of Mr. Flint's employment may we suggest the committee consider that Mr Flint's employment with first4care does NOT require him to hold a Hackney or Private Hire Taxi licence? He is, however, required to hold the lessor "Private Hire Ambulance" licence in order to be employed on our local authority contracts. Perhaps restricting Mr. Flint's licence to this lessor category could be considered by the committee;***
- *If the committee decide to revoke Mr. Flint's licence can consideration please be given to allowing time for a transition strategy be developed – perhaps by delaying the revocation by 7-14 days?*

We fully acknowledge, appreciate and respect that NSDC may consider Mr. Flint is not fit and proper to be licenced by the Authority and make the above points in the hope that continuity of care for our service users, continuity of local business and continuity of employment be considered by your licensing committee.

3.4 The options open to Members in relation to this case are:

- (i) Revoke the licence with immediate effect.
- (ii) Revoke the licence giving 21 days' notice and determine not to renew the application from 1st October.
- (iii) Suspend the licence for a period to be determined by Committee.
- (iv) Subject to the agreement of Mr. Flint amend his licence to that of 'Private Ambulance driver'. This does have the effect of limiting his licenced activities to only driving private ambulances where no fee is handled by the driver. He would not be able to drive a taxi or private hire vehicle.
- (iv) Issue a warning
- (vii) Take no action

4.0 **RECOMMENDED**

That the Committee determine a course of action in relation Mr. Flint's Private Hire/Hackney Carriage Driver's Licence

Background Papers - Hackney Carriage and Private Hire Policy - NSDC

For further information please contact Alan Batty on Ext 5467

Karen White
Director – Safety

IMPACT OF THE DEREGULATION ACT 2015 ON THE DURATION OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES AND ON THE DURATION OF PRIVATE HIRE OPERATORS LICENCES

1.0 Purpose of Report

1.1 To inform Committee of the changes introduced by the Deregulation Act 2015 and its impact on the Council's current policy of issuing all new drivers with a licence for one year and the policy of issuing operator licences for three years.

2.0 Background

2.1 Some elements of the Deregulation Act come into force on October this year. Section 10 of the Act has the impact of amending the parts of the Local Government (Miscellaneous Provisions) Act 1976 that relate to the duration of licences issued to private hire and hackney carriage drivers.

3.0 Introduction

3.1 The Council's current policy relating to private hire and hackney carriage licences is to award a one year licence for all new applicants and subject to no concerns within that first year to renew that licence for a period of three years. All subsequent renewals are also for a period of three years unless concerns regarding the fit and proper nature of the driver are raised and then a licence with a period of less than three years may be given.

3.2 Licences for private hire operators are granted for a period of three years.

3.3 The Deregulation Act 2015 amends the Local Government (Miscellaneous Provisions) Act 1976 in the following way:

section 53 (drivers' licences for hackney carriages and private hire vehicles)—

(a) in subsection (1)(a), for "for such lesser period as the district council may specify in such licence" substitute "for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case";

(b) in subsection (1)(b), for "for such lesser period as they may specify in such licence" substitute "for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case".

(3) In section 55 (licensing of operators of private hire vehicles), for subsection (2) substitute—

"(2) Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case."

3.4 This now means that the relevant sections of the 1976 Act will read as follows:

Section 53 Drivers' licences for hackney carriages and private hire vehicles

- (1) (a) Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or *[for such lesser period as the district council may specify in such licence]* **for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.**
(b) Notwithstanding the provisions of the Public Health Act 1875 and the Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or *[for such lesser period as they may specify in such licence]* **for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.**
- (2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.
- (3) The driver of any hackney carriage or of any private hire vehicle licensed by district council shall at the request of any authorised officer of the council or of any constable produce for inspection his driver's licence either forthwith or—
 - (a) in the case of a request by an authorised officer, at the principal offices of the council before the expiration of the period of five days beginning with the day following that on which the request is made;
 - (b) in the case of a request by a constable, before the expiration of the period aforesaid at any police station which is within the area of the council and is nominated by the driver when the request is made.
- (4) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

3.5 Section 55 Licensing of operators of private hire vehicles

- (1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:
Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.
- (2) *[Every licence granted under this section shall remain in force for such period, not being longer than five years, as a district council may specify in the licence.]*
- (2) **Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.**
- (3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.
- (4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.

- 3.6 The changes have been introduced to bring the national licensing regime in line with the position in London. It would appear that the default position will now be to offer driver's licences for a period of three years and operators licences of a duration lasting five years.
- 3.7 However the wording does provide some discretion for the Council to reduce this 'default' period depending on '*the circumstances of the case*'. This would allow the Council to issue a licence so long as it is justified in doing so based on the individual circumstances of that particular case. In other words a blanket policy of issuing all new drivers licences for a period of one year is no longer allowed.
- 3.8 The same principles apply to the Council's current policy of issuing operator's licence for three years. Five years will now have to be the norm unless there are individual circumstances relating to a particular case.
- 3.9 Although the amendments to the act make it clear that a blanket policy of granting licences for lesser periods would not be lawful it does not preclude the Council from granting a licence for a shorter duration so long as it can be justified. Part of the normal process of assessing applications is to examine the driving history, criminal history and character of an applicant and the financial history in the case of a private hire operator. Therefore it does not seem unreasonable to consider the grant of a licence with a truncated duration in circumstances where these checks give rise to concerns. These concerns would need to be challenged and where a lesser term can be justified based on the evidence this could be granted.
- 3.10 Part of the driver application process requires the driver to submit a report for the Disclosure and Barring Service setting out their criminal history, if they have one. For new applicants under the current system this means that a DBS check is received with the initial application and a second check is received on renewal a year later on renewal of the licence. DBS checks will subsequently be submitted every three years on renewal. All licence holders are required to inform the Council of any convictions during the period of the licence.
- 3.11 In light of the child exploitation enquiries at various towns and cities across the county where taxi drivers have been implicated, the question of whether three year DBS checks are an adequate frequency has been raised. It is not uncommon for local authorities to issue three year licences but to require by way of conditions to the licence for an annual DBS check to be undertaken.
- 3.12 The DBS provide an annual update service offered by way of subscription at a cost of £13.
- 3.13 Currently drivers that reach the age of 65 are required to have an annual medical check and are licenced for one year. This is no longer compatible with the new legislation.

4.0 Proposals

- 4.1 The issues relating to private hire operators is likely to be of less concern than that of drivers. There are only 16 licensed operators in the district many of which are long standing.

4.2 It is proposed that the Councils policy on private hire operator's licences be amended to state that licences will be granted for a period of five years subject to the applicant proving that they are a fit and proper but that this period may be reduced if there are concerns regarding the applicant. Any decision to grant a reduced term of licence will be made following a hearing.

4.3 With reference to the licensing of private hire and hackney carriage drivers it is proposed that the Councils policy be amended. It currently reads:

Section 1 Paragraph 6

Where the applicant satisfies the Council that they are fit and proper and has held a licence for the requisite time a licence will be granted. If an applicant fails to satisfy the Council in any of the above then the matter will be referred to the General Purposes Committee for a hearing.

Paragraph 7

A Driver's Licence is valid for one year on initial application and is renewable every three years thereafter. A DBS check will be required at each renewal.

4.4 It is proposed that the new wording should be:

Section 2 Paragraph 6

Where the applicant satisfies the Council that they are fit and proper and has held a licence for the requisite time a licence will be granted. If an applicant fails to satisfy the Council in any of the above then the matter will be referred to the General Purposes Committee for a hearing.

Paragraph 7

A Driver's licence is valid for three years on initial application and for the same period on renewal. A licence may be granted for a lesser period appropriate in the circumstances of the case.

4.5 This changes to be implemented from the 1st October 2015

4.6 It is further proposed to amend the policy and conditions of licence to require all licence holders to subscribe to the DBS annual update service and to undergo a DBS check every year. It is considered appropriate to introduce the requirement for annual DBS checks for all new applications from 1st October and to introduce this for all current licence holders during their licence renewal process.

4.7 In relation to drivers who are aged 65 years and over it is proposed that the Council policy will be amended to:

A medical check will be required on initial application and every three years following the driver attaining the age of 45. Thereafter medical checks will be required every three years until the driver is 65 when medicals will be required every year. A renewal at age 65 will be for three years, however, a licence may be granted for a lesser period appropriate in the circumstances of the case.

5.0 Financial Implications

- 5.1 The licence fee charge for a drivers licence is currently £94. So far this financial year there have been 15 new applications. These would normally be renewed in one year's time generating additional income. Extending the initial licence period to three years does result in a loss of income to the authority. Based on the number of new applications so far this year (and assuming this is matched in the second six months of the year) it is estimated that not renewing licences after one year will reduce the income received the following year by £2,820. The total income from taxi licence fees in 2014/15 was £48,800.
- 5.2 The loss of income from amending the policy on private hire operators is less significant as the number of operators is less. The annual review of fees and charges will take account of the additional length of these licences when this is undertaken later in the year.
- 5.3 It is proposed to leave the current fees unaltered until the full review of fees and charges is undertaken as part of the budget process later this year.

6.0 Equalities Implications

- 6.1 The Council's policy for Hackney Carriage and Private Hire Licensing is applicable to all sectors of the population. It does not impose different standards on any different group.
- 6.2 The financial implications of introducing annual DBS checks has been analysed to ensure this does not pose any additional monetary disadvantage. The cost of a standard request to the DBS is £44. In line with the current policy this would be required on initial application and a year later on renewal and then every three years. The new policy will require this fee to be paid on initial application and then the annual fee of £13 for the update service. Therefore the new policy has the impact of reducing the overall cost of the DBS checks.

7.0 RECOMMENDATIONS that:

- (a) **the Council's policy for Hackney Carriage and Private Hire Licensing be amended in relation to private hire operators to read: 'A private hire operator's licence is valid for five years on initial application and for the same period on renewal. A licence may be granted for a lesser period appropriate in the circumstances of the case';**
- (b) **the Council's policy for Hackney Carriage and Private Hire Licensing be amended in relation to private hire and hackney carriage drivers to read 'A private hire and/or hackney carriage drivers licence is valid for three years on initial application and for the same period on renewal. A licence may be granted for a lesser period appropriate in the circumstances of the case. A DBS check will be required to be submitted annually';**
- (c) **the Council's policy for Hackney Carriage and Private Hire Licensing be amended in relation to private hire and hackney carriage drivers to read; 'A medical check will be required on initial application and every three years following the driver attaining the age of 45. Thereafter medical checks will be required every three years until the driver is 65 when medicals will be required every year. A licence renewal at age 65 will be for three years, however, a licence may be granted for a lesser period appropriate in the circumstances of the case';**

- (d) the conditions of licence attached to private hire and/or hackney carriage drivers licence be amended to include the requirement to subscribe to the annual DBS update service and to require drivers to submit an annual DBS check; and**
- (e) the changes be implemented from the 1st October 2015**

Background Papers

Deregulation Act 2015

Policy for Hackney Carriage and Private Hire Licensing – NSDC

For further information please contact Alan Batty on Ext 5467

Karen White

Director - Safety

UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

1.0 Purpose of Report

1.1 To inform the Committee of the activity and performance of the Licensing Team and to provide Members with details of current ongoing enforcement issues.

2.0 Background

2.1 New applicants for Hackney Carriage/Private Hire Drivers or Private Ambulance Drivers Licences have to undergo various checks. These include a Disclosure and Barring check, DVLA check, two references are required, Group II medical, knowledge and ability tests.

2.2 This report covers the period from 1st April 2015 to 30th June 2015 and sets out the range and number of licence applications during this period. It also highlights any activity required as a result of the applications.

Application Type	New applications received	Renewal of applications received	Number Issued	Comments
Hackney Carriage/ Private Hire Driver	7	21	25	3 Outstanding
Ambulance Drivers	5	8	13	
Hackney Carriage Vehicles	0	36	36	
Private Hire Vehicles	0	4	4	

2.3 Street Collections

The table below sets out the numbers of collections undertaken within the reporting period and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80 % of the collection that is returned to the charity.

Charity	Location	Date	Total amount collected	% returned to charity
RSPCA	Ollerton	18.04.15	£100.15	100%
Help for Heroes	Newark	22.04.15	£170	100%
Save the Children	Southwell	25.04.15	£317.68	100%
RNLI	Farnsfield	25.04.15	£333.19	100%
James Whale Fund for Kidney Cancer	Ollerton	29.05.15	£135.60	100%
CLIC Sargent Cancer Care for children	Southwell	13.06.15	£33.75	100%
RSPCA	Newark	20.06.15	£266.40	100%

2.4 House to House Collections

The table below sets out the numbers of collections undertaken within the reporting period and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80 % of the collection that is returned to the charity.

Charity	Location	Date	Total amount collected	% returned to charity
Leukaemia Care	Whole district	01.04.15	£27.48	82%
Be Child Cancer Aware	Whole district	May 2015	£42.00	80%
Cancer Recovery Foundation UK	Whole district	June 2015	£25	80%

2.5 Enforcement Issues

Hackney Carriage/Private Hire Ongoing Enforcement Activity between 1st April 2015 and 30th June 2015

LOCATION	ACTIVITY	DATE CASE OPENED	ACTION TAKEN SO FAR
East Midlands Airport	LEO take part in a countywide taxi enforcement initiative with other organisations e.g. VOSA	11.05.15	An NSDC plated vehicles was checked and found to have a defective tyre. The driver was issued with a fixed penalty fine and received 3 points on his DVLA licence. The driver was later interviewed under caution by LEO's and the proprietor of the Hackney Carriage was also interviewed under caution. This case is pending.
Asda, Newark	Complaint by customer who called her regular taxi company and waited for him to collect her. She was approached by another company and told that her regular taxi company had sent him to collect her. This was not the case.	21.05.15	Incident investigated and found to be a misunderstanding and error.

Newark (various locations – Middle Gate rank, Lincoln Street rank, Kirk Gate rank, Asda, Kelham Hall)	Full HC vehicle licence check	Various dates between the 1 st April and 30 th June 2015	57 Vehicles were checked by the LEO's. A number of minor defects were found with the vehicles, for example, the following items were missing: no smoking signs; no spare bulbs; no warning triangles; and no first aid kits. These have now been rectified and re-checked.
---	-------------------------------	--	--

3.0 **RECOMMENDATION**

That the Committee consider the contents of the report and identifies any issues it wishes to examine further.

For further information please contact Nicola Kellas on extension 5894.

Karen White
Director - Safety

LICENSING COMMITTEE

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the **LICENSING COMMITTEE** held on Thursday, 11th June 2015 in Room G23, Kelham Hall immediately following the meeting of the General Purposes Committee.

PRESENT: Councillor Mrs R. Crowe (Chairman)
Councillor D.J. Clarke (Vice-Chairman)

Councillors: Mrs B. Brooks, G. Brooks, M. Cope, J. Lee, Mrs S.M. Michael, D.R. Payne, P. Peacock and D. Thompson

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors: Mrs K. Arnold, Mrs I. Brown, M. Buttery, Mrs S. Soar and I. Walker.

2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

3. DECLARATION OF INTENTION TO RECORD MEETING

NOTED: that there would be an audio recording of the meeting.

4. MINUTES OF MEETING HELD ON 15TH JANUARY 2015

AGREED that:

- (a) the Minutes of the meeting held on 15th January 2015 be approved as a correct record and signed by the Chairman; and
- (b) it be noted that the information requested and referred to in Minute No. 25, Resolution (b) (i) and (ii) be presented to a future meeting of the Committee.

5. REVIEW OF STATEMENT OF GAMBLING POLICY

The Committee considered the report presented by the Business Manager – Environmental Health which sought Committee’s approval for the timetable associated with the review of the Council’s Statement of Gambling Policy.

The report set out the requirement for the Gambling Policy to be reviewed every 3 years under the Gambling Act 2005. It was noted that the Council was required to adopt and have in place a Statement of Gambling Policy relating to the issuing of premises licences for gambling premises, issuing permits in respect of gaming on licensed premises and for registering small society lotteries.

AGREED (unanimously) that:

- (a) the timetable for the review and consultation exercise for the Statement of Gambling Policy be approved; and
- (b) the list of consultees as at paragraph 2.7 remain unchanged.

6. LICENSING ACT TRAINING FOR MEMBERS AND OFFICERS

The Committee considered the report presented by the Business Manager – Environmental Health in relation to Licensing Act training scheduled for 3rd July 2015 at the Hostess Restaurant in Mansfield.

Members of the Committee were requested to let Officers know if they were able to attend the training.

AGREED (unanimously) that:

- (a) the Licensing Act training be supported; and
- (b) Members contact Licensing Officers as to their availability to attend.

The meeting closed at 6.58pm

Chairman

REVIEW OF STATEMENT OF GAMBLING POLICY – CONSULTEES RESPONSES

1.0 Purpose of Report

- 1.1 To inform the Committee of the outcome of the consultation exercise carried out in respect of the Statement of Gambling Policy required under the Gambling Act 2005.

2.0 Information

- 2.1 Members will recall that the Council, as Licensing Authority under the Gambling Act 2005, is responsible for issuing premises licences for gambling premises, issuing permits in respect of gaming on licensed premises and for registering small society lotteries.
- 2.2 The Council only licences premises on which gambling is carried out, it does not licence the operators or the individuals concerned in carrying the business. These are licensed by the Gambling Commission and subject to stringent statutory controls.
- 2.3 In respect of carrying out its duties the Council is required to adopt and have in place a Statement of Policy relating to them. The Policy sets out the principles which the Council will apply in considering and granting those licences and permits. The original Policy was adopted in December 2006. The Act requires that the Policy be reviewed as required and at least every three years, hence the need to review the policy this year.
- 2.4 Members will also recall that the draft policy was presented to them before the consultation was begun. The draft policy was prepared based on the Council's experience with the administration of the Gambling Act and changes in law and guidance since its inception.
- 2.5 In the interests of keeping costs to a minimum all those notified were directed to the Council's website rather than sending out a large number of copies. Printed copies were made available on request.

3.0 Casinos

- 3.1 In adopting the original policy the Council considered a resolution under section 166 of the Gambling Act that it would not issue any premises licence for casinos in the district. This was agreed and conformed for a further three years following the review in 2012. Under that section the resolution only lasts for three years and thus will need consideration again this year.
- 3.2 The Secretary of State has powers under Section 175(4) of the Gambling Act 2005 to determine the geographical distribution of casino premises licences. The Act sets out an overall limit nationally of no more than one regional casino, eight large casinos and eight small casinos. In 2005 Local Authorities with an interest in hosting a casino were asked to indicate their interest and to take part in a selection process. A local licensing authority is only be able to award a casino premises licence if one has been identified for its area.

- 3.3 In adopting its original Statement of Gambling Policy in 2006 the Council considered a resolution under section 166 of the Gambling that it would not issue any premises licence for casinos in the district. This had the effect of removing Newark and Sherwood from entering the selection process and therefore it would not be considered as a local authority that could host a casino.
- 3.4 At the end of 2007 the locations of the eight large casinos and eight small casinos were agreed. Since that time only a small number of these have been developed.
- 3.5 The no casino resolution on the Gambling Act 2005 was agreed and confirmed for a further three years following the review of the Statement of Gambling Policy in 2009.
- 3.6 Due to the fact that only a small number of the casinos agreed have been developed there is considerable lobbying taking place within the casino trade for the introduction of the option of transferring the casino locations previously confirmed between two agreeable local authorities. However, this is not allowed under the current law and there are no indications from government that they will make this change.
- 3.7 The passing of a 'no casino' resolution can be seen as a statement of principle that casino operations are not considered appropriate for the district.
- 3.8 Not making a 'no casino' resolution can be seen to indicate that the authority is willing to consider casino operations in the district, however, on a practical level this is unlikely to be in the short term as all future casino operations have been allocated to other districts and a change in the law would be required to permit any additional casino numbers or the transfer of locations.

4.0 Response to the Consultation

- 4.1 The draft Policy was circulated for consultation in early July seeking comments back by the 22nd September. This has allowed a 12 week consultation period. To-date only a single response has been received.
- 4.2 Newark Town Council has submitted a comment relating to the 'no casino' resolution. They have stated their support for the Council maintaining this resolution.
- 4.3 The level of response would seem to be indicative of the low level of general concern with this particular licensing function. This is the third time that the policy has been reviewed and on both occasions there have been minimal responses. All of the Nottinghamshire authorities have reported the same low levels of comment.
- 4.4 Although 18 days of the consultation period still remains it is not envisaged that a large number of further responses will be received. It is proposed that if any further comments are received that they be discussed with the Chairman and Vice Chairman of the Committee and the policy amended if this is considered appropriate.

5.0 Equalities Implications

- 5.1 An Equalities Impact Assessment has been undertaken for the Statement of Gambling Policy and it has concluded that the Policy poses no undue risk of increasing inequalities.

6.0 RECOMMENDATIONS that:

- (a) the draft Statement of Gambling Policy be approved and forwarded to full Council with a recommendation for adoption, subject to further amendment following receipt of any additional consultation responses and in consultation with the Chairman and Vice-Chairman of the Committee; and**
- (b) the Committee consider whether the resolution not to issue any licence for casinos in the district should be renewed by full Council and make a recommendation on this issue.**

Background Papers

Licensing Act 2005

Guidance to Licensing Authorities - Gambling Commission

For further information please contact Alan Batty on 01636 655467

Karen White
Director - Safety

LICENSING ACT TRAINING

1.0 Purpose of Report

- 1.1 To provide feedback to Members on the Licensing Act update training provided on 3rd July 2015

2.0 Background

- 2.1 The Nottinghamshire Authorities Licensing Group hosted a training course at the Hostess Restaurant in Mansfield for Officers and Members across the County. The training was organised for the group by officers from Newark & Sherwood. The training covered the following areas of licensing legislation:

- Overview of the Licensing Act 2013
- Hearings

- 2.2 This year's training was delivered by local licensing solicitors and a Hearing case study prepared and delivered by local authority staff

- 2.3 These sessions were delivered to help licensing authorities take a strategic approach to the licensing regime and make the best use of the available powers to deliver a balance between promotion and restraint and help implement best practice.

- 2.4 Not all Members were able to attend and a copy of the notes from the training will be made available to those Members wishing to have them.

- 2.5 The Nottinghamshire Authorities Licensing Group have met since the training and the feedback given was that most of those present thought the training was well delivered and useful to both experienced members and members new to licensing.

- 2.6 It is intended to provide additional training for members next year and any suggestions for topics to be covered can be made to licensing staff who will feed this back to the organising group.

3.0 RECOMMENDATION

Members are asked to provide feedback on the licensing training event and make any suggestions for future training.

Background Papers - Nil

For further information please contact Alan Batty on 01636 6554675467

Karen White
Director – Safety

COUNTY WIDE BEST BAR NONE SCHEME

1.0 Purpose of Report

1.1 To update Members on the progress of the county wide Best Bar None Scheme.

2.0 Background

2.1 The Best Bar None (BBN) scheme rewards licensees who provide good management, a safe and enjoyable environment for customers, discourage binge drinking and prevent alcohol related crime. It therefore encourages licensees to act responsibly and take pride in their premises and surroundings and, in doing so, put something back into the town and local community.

2.2 The rewards for licensees include, the prestige of being part of the awards scheme, increased business within the area and lower insurance premiums resulting from the fact that they are running safer establishments. It also provides an opportunity for licensees to demonstrate to official agencies how well they manage their own business. It is an opportunity for positive dialogue between the two sides.

2.3 In order to be awarded with the Best Bar None accreditation, premises must be compliant with all aspects of the law. However, for premises to have the potential of winning “best in the category” they must offer much more than this, and this is one of the ways the Best Bar None Scheme helps to raise the standards of licensed premises, by providing a competitive framework. Although the scheme is nationally recognised, it can be tailored to the local environment. As a result, the scheme will not focus primarily on the late night economy and instead will capture all types of licensed premises across the County.

2.4 In order to raise the standards in licensed premises the scheme will look to promote (where appropriate) such things as:-

- Premises conducting regular staff training and keeping a record of this.
- The licensee conducting thorough risk assessments in line with the type of establishment that they are running (to ensure public safety).
- Large venues carrying out mock evacuation exercises.
- Adequate and clean smoking shelters which are controlled so as not to cause a public nuisance (through noise, litter, broken glass etc).
- Attendance at Pubwatch and involvement with local initiatives.
- Engagement and open dialogue with the Police.
- Ensuring deliveries are done at suitable times so that local premises are not affected in the early hours of the morning.
- Policies are in place and followed on dealing with lost property, underage drinkers and people who are drunk.
- Notices advising patrons of local taxi companies to help to prevent people drinking and driving.
- Drug checks of toilet areas and a drug and weapon policy (including a safe storage area of anything found).

- Ensuring children are properly supervised by parents and are not allowed in areas near gambling machines.
- Licensees checking and monitoring CCTV to prevent proxy purchases.
- Effective use of the challenge 21/25 policy including written refusal logs.
- Signage regarding safe alcohol levels units and where to go if you need help on alcohol consumption.
- Not selling products which are attractive to street drinkers (i.e. white lighting).
- Locating the cheaper/higher alcohol content drinks nearer to the counter so that they can be better monitored.
- Marking bottles so that there is a better trace of them if they have been brought to give them to underage persons (proxy purchases).
- First aiders being on duty.
- The licensee informing the Police before the holding of any large event.
- Providing adequate litter bins and ensuring any litter is cleared away during the day.

3.0 The Scheme to Date

- 3.1 The Best Bar None Scheme was launched across the county late last year. The scheme was promoted at Pub Watch meetings, during individual visits and in the press, although it is fair to say that the press coverage across Newark and Sherwood was less than in some other districts.
- 3.2 Across the county there were 258 expressions of interest with 86 going forward to submit full applications.
- 3.3 Across the county interest was expressed from 259 venues with applications being received from 109 premises. Within the Newark and Sherwood District there were 8 applications. Seven of the application premises met the Best Bar None criteria with the eighth just falling short. However, at the time of assessment they committed to a programme of improvements and have since satisfied the criteria and have been awarded the Best Bar None accreditation.
- 3.4 The Best Bar None Executive Board recently received the first year end report on the scheme. A copy of the report is attached as **Appendix One**.

4.0 Proposals

- 4.1 As stated above the scheme is a county wide scheme and two levels of award are planned. It is proposed to have a local awards ceremony where all the premises achieving accreditation will be presented with their certificates.
- 4.2 The top two premises with the highest assessment score will be put forward into the county wide finals where they will compete for the accolade of the best premises in the county. One additional premise will also be selected for the finals as a 'judges choice'. These are premises where the judges feel that whilst not necessarily scoring the highest in all categories there is one element that stands out. All the premises that have achieved the accreditation will be included in a public vote to produce the overall public county winner.

- 4.3 The County awards are proposed to be held in October at a black tie awards ceremony.
- 4.4 As the only full county scheme running in the country the success of this first year has gained lot of interest from all areas of the licensing industry as well as government departments.

5.0 RECOMMENDATIONS that:

- (a) the progress of the Nottinghamshire county Best Bar None Scheme be noted; and**
- (b) the proposals for both local and county wide award ceremonies be supported.**

Background Papers

Nil

For further information please contact Alan Batty on Extension 5467.

Karen White
Director – Safety



Best Bar None Year End Report
Period: 2014 – 2015



Contents Page

Executive Summary	Page 3
What is a Best Bar None Scheme	Page 4
Summary of Achievements	Page 6
Awards Ceremony	Page 7
Applications	Page 7
Assessments	Page 7
Sponsorship	Page 8
Success Measures	Page 8
Partner Engagement	Page 9
Focus	Page 9
Timeline	Page 10
Appendix One – Terms of Reference	Page 11
Appendix Two – Terms of Reference	Page 13
Appendix Three – Sponsorship Opportunities	Page 14



Executive Summary

Best Bar None is a nationally recognised awards scheme aimed at reducing levels of alcohol related crime and disorder and public nuisance by promoting the responsible management and operation of licensed premises. Approval has been given to run a Countywide Best Bar None scheme, initially for a period of three years. The scheme is approaching the end of its first year and in line with funding requirements an annual report is required to be submitted, as such, this report will:

- Provide the reader with a greater understanding of what a Best Bar None Scheme is.
- Set out a summary of the achievements for the first year
- Provide details of the sponsorship both secured and in progress
- Show the timeline that the project is working to
- Capture lessons learnt
- Illustrate the success criteria
- Provide details of the awards nights

What is a Best Bar None scheme?

Best Bar None (BBN) is a national award scheme, supported by the Home Office and created by Manchester Police Force, which aims to reduce alcohol related crime and disorder by raising the standards of the licensed premises. It is important to note that this is not night time economy specific and includes all licensed premises.

The scheme rewards licensees who provide good management, a safe and enjoyable environment for customers, discourage binge drinking and prevent alcohol related crime. It therefore encourages licensees to act responsibly and take pride in their premises and surroundings and, in doing so, put something back into the town and local community.

The rewards for licensees include, the prestige of being part of the awards scheme, increased business within the area and the potential of lower insurance premiums resulting from the fact that they are running safer establishments. It is therefore an opportunity for positive dialogue between the two sides, as advocated in the Compliance Code.

The Home Office and Police statistics show a 10 – 48% reduction in violent crime against a person in areas where BBN operates. This is in addition to an estimated saving to the NHS based on the current number of schemes of over £35 billion as a result of the reported 1 in 4 patients who attend A&E having consumed alcohol or having been assaulted by someone who was drunk. Furthermore, since being implemented in Doncaster there has been 70% less Police call outs to venues accredited by the BBN Scheme.

The scheme successfully runs in the City of Nottingham and this has resulted in a range of winners including independent retailers. Debbie Law, a winner in the City's 2013 scheme was quoted saying that "in addition to being a great celebration of institutions that often feel demonised, the awards help teach publicans about what they need to do and are brilliant for kicking pubs into gear". Another winner was also quoted saying "It grants a licensed premise the opportunity to re-visit and health-check its operations, assess the effectiveness of their intention, increase the depth of day-by-day control measures, and build up standards".

Funding has been granted to implement a County wide BBN scheme for an initial three year period. This has been secured from the Police and Crime Commissioner, Nottinghamshire County Council and the Licensed trade. The Scheme also features in the County Wide Local Alcohol Action Area (LAAA) and is supported by the Home Office, ACPO and the BII.

The scheme is being implemented across the County but with some awards for individual areas in order to achieve local buy in.

In order to be awarded with the Best Bar None accreditation, premises must be compliant with all aspects of the law. However, for premises to have the potential of winning “best in the category” they must offer much more than this, and this is one of the ways the Best Bar None scheme helps to raise the standards of licensed premises, by providing a competitive framework and therefore can support local issues and priorities such as street cleansing. Although the scheme is nationally recognised, it can be tailored to the local environment. As a result, the scheme will not focus primarily on the late night economy and instead captures all types of licensed premises across the County including:-

- Community premises such as the community pubs/clubs
- Sporting venues
- Pubs
- Clubs
- Food led venues
- Rural premises

The scheme is run on an annual basis, encouraging licensed premises to keep raising standards year on year. Following a successful application, an assessment is carried out. If the business meets the minimum standard, they will be awarded with the BBN status. A plaque will then be displayed, recognising the award and promoting public reassurance.

At the end of the process the top premises in each category are put forward to a judging panel. An awards evening is then held, rewarding participants, sharing best practice, promoting the local area and demonstrating the benefits of the scheme.

It is generally considered that the assessment, judging and awards are just one part of the scheme. Once the awards are complete, the co-ordinators roll will be to visit all premises that did not win or meet the initial standard and help them to improve their business, by giving advice on where to raise their standards, as well as encouragement to enter the Best Bar None scheme the following year, in order to remain competitive

1.0 Summary of achievements covering the first financial year:

- Application interest has been expressed by 259 venues, 109 venues applied (of which 29 additional venues have applied then since pulled out for various reasons, these have been noted and will be included as “lessons learnt” for year two).
- Multiple ring rounds have been performed for all venues that expressed an interest.
- Focused activity has been carried out in Worksop, Retford, Beeston, Newark, Ollerton, Rufford, Blidworth, Mansfield and Broxtowe.
- The team has worked with head offices including J.D. Wetherspoons, Mitchells & Butlers, Greene King, Marstons, Pub People, Everards, Punch, Admiral Taverns and Stonegate to secure bulk applications.
- Additional cold calling activity has been performed on the Police licensed venues database supplied (tackling problem premises).
- Thirty Best Bar None assessors have been trained and all have been allocated venues to assess.
- All assessment documentation have been created including scoring criteria and guidance for venues and assessors.
- Support documents/templates have been created and support has been offered to all venues that have applied.
- Invoicing requirements and the associated reporting mechanisms have been fulfilled in line with the tender documentation and associated contract.
- Beeston BID has been secured as a bronze level sponsor and Diageo and Tram as a gold level sponsor.
- Mansfield BID have supported the scheme by getting additional premises involved and are interested in sponsoring.
- Support has been secured from Capital FM who will provide comperes for the Countywide awards night and editorial support for the public vote.
- A Best Bar None website and telephone helpline has been created and launched (www.nottinghamshirebbn.com).
- Gamestec has become a silver sponsor and are offering complimentary compliance training to all the venues in the scheme (on gaming and machine compliance).
- Fraser Brown Solicitors have sponsored the scheme by providing assessor training to all of the assessors covering a number of days and a briefing to the Executive Board. They have also offered free first aid and due diligence courses to all participants of the scheme.
- Support has been given to all of the assessors in contacting venues to arrange the assessment and during the assessment itself where required.
- Telephone calls have been made to all venues that have applied, to check that they have received the documentation, whether they need any support or whether they are happy to go ahead with their assessment.
- All completed assessment forms have been checked to corroborate marking and the assessors have been contacted where necessary (to ensure consistency in the approach).

- All of the premises involved have been invoiced (£20.00 per application).
- Contact has been made with the national scheme coordinator and the scheme has secured a place on the success measures benchmarking trial (in which a university will independently review the schemes).
- An Executive Board and Project Board has been set up and the Terms of Reference are attached in Appendix One and Two.

2.0 Awards nights

Two awards nights will take place over the next couple of months. One will be a local/council area awards scheme (to ensure local buy-in to the scheme) and the other is a County wide awards scheme where the overall winners and the winner of the public vote will be announced. These will be widely advertised and marketed to ensure that the profile of the scheme is further increased and will be an opportunity for best practice to be shared. It will also be an opportunity to further promote and give thanks to the sponsors of the scheme.

3.0 Applications

Application interest has been expressed by 259 venues, 109 venues applied (29 additional venues have applied then since pulled out for various reasons, these have been noted and will be included as “lessons learnt” for year two).

Several different approaches have been taken to securing the applications:-

- All of the main Pubwatch meetings across the county have been attended, some on more than one occasion. Venues were asked to express an interest at the meeting and their contact details were taken. Ring rounds were then performed of all venues to try and secure their applications.
- Contact has been made with the head offices of the major chains and breweries such as Greene King and J.D. Wetherspoons.
- Door-to-door visits have been carried out, supported by police and council licensing officers.
- Several premises have been “cold called”, working from a database provided by the police licensing team.
- Police and Council Licensing Officers have actively encouraged any venue they visited to apply.

4.0 Assessments

All of the venues have been contacted to ensure that they are prepared for their assessment and have the necessary paperwork in order to streamline the process.

The biggest challenge as of yet is ensuring that the assessments, and the reassessments, are completed in a timely manner, including receiving the completed assessment forms to ensure that they can be checked and verified. In many cases

the assessors need to be contacted following their visit to clarify certain points and also in many cases, the venues have had to be contacted too. This was deemed critical to ensure that there was consistency of approach and that the applications were judged fairly. This has also been one area where lessons have been learnt and a comprehensive marking guide/toolkit has not been devised to assist with the process.

5.0 Sponsorship

In order to assist with the sustainability of the scheme, in addition to charging an application fee to participate and a fee to attend the awards ceremony, a wide range of organisations have been approached regarding sponsorship.

There are three packages available for a sponsor, Bronze (£500), Silver (£1000) and Gold (£3000) as detailed in Appendix Three.

Sponsorship summary:

Confirmed	
Beeston BID	Bronze level sponsor
Diageo	Gold level sponsor
Capital FM	Providing comperes for the night, advertising and help with the public vote
Gamestec	Silver level sponsor and training for all participants in the scheme on gaming compliance
Fraser Brown	Retail training (including due diligence training) and training of all the assessors.
Tram	Gold level sponsor and promotion of the scheme on the trams.
In Progress	
Stewart's	Meeting date being confirmed
Bacardi Brown Forman	Contact made but not able to support this year.
Carlsberg	Strong interest - chasing specifics
Keeday Leisure	Not progressing as Gamestec are on board
Bell Fruit Games	Not progressing as Gamestec are on board (their sister company)
GS Gaming	Not progressing as Gamestec are on board
Astra Games	Not progressing as Gamestec are on board
Dransfields Ltd	Not progressing as Gamestec are on board
Nottingham Brewery	Interested in supporting the scheme, possibly with drinks at the ceremony but are considering more
Libra Drinks	Not able to get hold of contact
C&S Seafood	Potentially able to provide food for the awards ceremony.
Mansfield 103.2	Able to promote the scheme but needs to check with programming

6.0 Success measures

The team have liaised with the national BBN coordinator, Mick McDonnell. He is commissioning a university to design a set of success measures that every BBN scheme will be asked to record and report on so that a national benchmarking

picture can be established. He has approached Nottinghamshire and Exeter to be the two pilot areas for this project to be established.

In addition to this thirty people from a broad range of professions have volunteered to become assessors and have had the relevant training and 109 premises have applied (whereby the target was 70 premises in the first year). A website has also been created to provide the information and advice to assist licensed premises to raise their standards by providing them with the toolkits deemed necessary and a helpline has been established for anyone needing further advice. In addition to this, premises deemed as “problem premises” have been intensively supported and actively encouraged to participate in the scheme, thus raising the standards across the board.

Additional success measure include:

- Increase in proactive reporting to the police
- Reduction in re-active incidents reported to the police
- Number of venues signed up to the scheme (target of 70 and to increase each year)
- Number of assessors trained (target of 20)
- Number of venues accredited (to go up each year)
- Perception survey – (of both the public and the licensed trade via the use of survey monkey)
- Increase in policies and positive working practices implemented by the licensed premises following their entry into the scheme
- Increase public awareness of the scheme – (this will be captured via the public vote)

7.0 Partner engagement

The national scheme coordinator, Mick McDonnell, is looking to visit Nottingham on June 16th for the Social Responsibility Alliance conference that is being organised here and would like to meet with the team.

Through the highlight reports given to the Executive Group partners (comprising of Officers and Members) from the majority of the Nottinghamshire Local Authorities, including Nottinghamshire County Council and the Office of the Police and Crime Commissioner are kept up to date with the scheme and are able to make any recommendations or changes as deemed necessary.

8.0 Focus – current position

- Continue to support assessments
- Continue to check, verify and amend forms as they come in
- Start to notify venues that they have achieved accreditation
- Start to organise reassessments where necessary
- Continue to approach financial sponsors
- Chase outstanding payment of participation invoices
- Organise sponsorship agreements with confirmed sponsors and invoice them
- Establish the awards ceremony budget

- Begin to cost up other elements of the awards ceremony
- Start to arrange local level ceremonies

9.0 Timeline

Beginning of August – all assessments and reassessments to be completed.

End of August – Local Awards Ceremonies to be held.

End of October – County wide Awards Ceremony to be held.

End of December – New assessors to be trained and refresher training being provided.

End of January – Applications/enrolments for year two commence.

Appendix One



Nottinghamshire Best Bar None Scheme – Executive Board

Terms of Reference

Appointment and Membership

Members of the Executive Board shall include an officer and member representative from each local authority in Nottinghamshire, Police and Crime Commissioner and Nottinghamshire County Council.

A quorum shall be five members.

The Scheme Coordinators who are not members of Executive Committee may be co-opted.

The Chair of the Executive Board shall be appointed from within and by the Executive Board.

Members of the Committee (2015/2016):

Alan Batty	Newark and Sherwood DC
Cllr Ivor Walker	Newark and Sherwood DC
David Banks	Rushcliffe Borough Council
Cllr Debbie Mason	Rushcliffe Borough Council
David Gell	Broxtowe Borough Council
Cllr Graham Harvey	Broxtowe Borough Council
Martin Saxton	Mansfield District Council
Cllr Mick Barton	Mansfield District Council
Susan Martin	PCC
Yvette Armstrong	NCC
Cllr Glynn Guilfoyle	NCC
Chris Booth	Ashfield
Cllr Butler	Ashfield
Ros Theakstone	Bassetlaw
Cllr Griff Wynne	Bassetlaw

- Gedling
- Gedling

Chair: Cllr Debbie Mason

Attendance at meetings

Members of the Project Board shall attend meetings of the Executive Board. Other representatives from partner agencies, the contractors may be invited to attend meetings as required

Frequency of Meetings

Meetings shall be held at least four times per year facilitated by the Project Board

Delegated Authority

The Executive Board is appointed to work together with the Project Board and scheme co-ordinators to facilitate the successful operation of a Countywide Best Bar None scheme

Responsibilities

- To champion the scheme at local authority level
- To assess and approve an annual report relating to the value for money and outcomes of the scheme. The outcomes to include the following KPI's:
 - a) Increase in proactive reporting to the police (Baseline to be confirmed)
 - b) Reduce the re-active incidents reported to the police (Baseline to be confirmed)
 - c) Number of venues signed up to the scheme in the first year is 70
 - d) Number of assessors trained
 - e) Number of venues accredited
 - f) Perception survey and Public awareness of the scheme via the public vote
- Action points to be taken forward to the next year's awards
- To assess the direct and indirect benefits of the scheme

Reporting Structure

The Project Board will report to the Executive Board quarterly throughout the year which will also include an annual report that details:

- Summary of the achievements
- Provide a greater understanding of the Best Bar None
- Details of the sponsorship secured and in progress
- Timeline that the project is working to
- Lessons learnt
- Illustrate the success criteria

- Details of the award nights

Appendix Two



Nottinghamshire Best Bar None Scheme – Project Board

Terms of Reference

Members

Samantha Yates
John Miley
Duncan Collings
Susie Rhodes-Best

Mansfield District Council
Broxtowe Borough Council
Rushcliffe Borough Council
Nottinghamshire Police

Responsibilities

The project Board is responsible for

- Day to day management of the co-ordination team:
- Process invoices and financial management of the scheme
- Contract management
- Key performance indicators
- Report to Executive Board four times per year including the annual report
- Facilitate Executive Board meetings
- Promotion of the scheme at local level
- Fulfilling the requirements of the major funding partners including an annual report
- Identify a funding strategy for the sustainability of the scheme



Sponsorship Opportunities

Nottinghamshire is the first County in the country to launch a county-wide Best Bar None scheme.

As you probably know, Best Bar None is an awards and accreditation scheme for licensed premises that recognises and rewards responsible retailers. It aims to reduce alcohol related crime and disorder in town centres right across the country.

In particular it provides a framework for training on enforcing proof of age policies, along with building relationships between the licensed trade, police and local authorities to reduce crime, improve safety and promote venues to the public as a great place to enjoy a safe time out.

In Nottinghamshire, all accredited venues will be entered into a set of awards that are voted for by the public. Another set will be awarded to a small number of premises selected from the very highest scoring accredited venues, judged by a panel of licensing experts. All award winners will be announced at a black tie awards evening in summer 2015.

Both the scheme itself and the associated awards will be promoted via a strong marketing and PR campaign to both the venues across the County and the general public.

We've put together three great options for you to get involved, accommodating different budgets and various sponsorship opportunities.

The Bronze Package

- Company logo on the front page of the venue guidance booklet distributed to all venues who apply
- Company logo on the Best Bar None website sponsors page
- Your company will be verbally mentioned within the presentation at all Pubwatch meetings
- 2 tickets for the Best Bar None Awards Night
- The opportunity to insert a promotional item in the goody bags given out to guests at the Award night
- The publishing of an announcement regarding your support of the scheme on the Best Bar None website
- Opportunity for contribution into awards scheme prize package(s) awarded to winning venue(s)

Cost £500 + VAT

The Silver Package

- Company logo on the front page of the venue guidance booklet distributed to all venues who apply
- Company logo on the Best Bar None website sponsors page
- Your company will be verbally mentioned within the presentation at all Pubwatch meetings
- 2 tickets for the Best Bar None Awards Night
- The opportunity to insert a promotional item in the goody bags given out to guests at the Award night
- The publishing of an announcement regarding your support of the scheme on the Best Bar None website
- Opportunity for contribution into awards scheme prize package(s) awarded to winning venue(s)
- Inclusion of your brand where appropriate in PR
- Opportunity to position one standard pull up banner in the dining or ballroom of the awards ceremony
- Company sponsorship of an individual award, named after your company
- Representative of the company to present your named award at the Best Bar None awards ceremony

Cost £1,000 + VAT

The Gold Package

- Company logo on the front page of the venue guidance booklet distributed to all venues who apply
- Company logo on the Best Bar None website sponsors page
- Your company will be verbally mentioned within the presentation at all Pubwatch meetings
- Full table at the Best Bar None Awards Night
- The opportunity to insert a promotional item in the goody bags given out to guests at the Award night
- The publishing of an announcement regarding your support of the scheme on the Best Bar None website
- Opportunity for contribution into awards scheme prize package(s) awarded to winning venue(s)
- Inclusion of your brand where appropriate in PR
- Opportunity to position two standard pull up banners at the awards ceremony - one in the dining or ballroom and one in the drinks reception area
- Company sponsorship of an individual award, named after your company
- Representative of the company to present your named award at the Best Bar None awards ceremony
- Company logo on Best Bar None awards staging backdrop
- Company logo on Best Bar None awards tickets
- Company logo on goody bags given out to all awards guests
- Company logo on photography backdrop pull up banners at entrance

Cost £3,000 + VAT

TEMPORARY EVENT NOTICES RECEIVED AND ACKNOWLEDGED BETWEEN 1ST APRIL AND 30TH JUNE 2015 INCLUSIVE

1.0 Purpose of Report

1.1 To inform Members of changes to Temporary Event Notices and notices that have been received and acknowledged between 1st April and 30th June 2015 inclusive.

2.0 Background

2.1 The Licensing Act 2003 introduced a light touch system for ad hoc, permitted temporary activities. A Temporary Event Notice (TEN) is given by an individual (a premise user) and authorises the premises user to conduct one or more licensable activities at premises.

2.2 There are two types of TEN:

- A standard TEN, to be given no later than 10 working days before the event to which it relates.
- A late TEN, can be given 9 and not later than 5 working days before the event. Late TENs are intended to be used by premise user who is required for reasons outside their control to for example, change the venue at short notice.

2.3 Only the Police and Environmental Health can make representation against the TEN. Once the Police and Environmental Health receive a TEN, they have three working days to make any objections to it on the grounds of any of the four licensing objectives: prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm. If no objections are received the event will go ahead as planned. If an objection is received for a standard TEN the Council will have to organise a hearing to consider the objection and may impose conditions or decide that the event cannot go ahead. If an objection is received against a late TEN, no hearing is held and the application is refused.

3.0 Attachments

3.1 A list of Temporary Event Notices numbers by ward that have been received and acknowledged between 1st April and 30th June 2015 is attached at **Appendix A**.

3.2 A detailed list of Temporary Event Notices is available on request from Licensing & Enforcement.

4.0 RECOMMENDATION

That the report be noted.

Background Papers

Nil

For further information please contact Nicola Kellas on extension 5894.

Karen White
Director - Safety

APPENDIX A

Temporary Event Notices Acknowledged between April 1, 2015 and June 30, 2015 inclusive listed by wards. For further details please see Licensing Section.

Ward	Number of TEN's	TEN No's
Balderton North		3095, 3064, 3061, 3040,
Balderton West		3049
Blidworth		
Boughton		3136, 3112, 3032,
Caunton		3161, 3160, 3144, 3143, 3142, 3119, 3108, 3106, 3093, 3072, 3070, 3069, 3076, 3058, 3027
Clipstone		3084, 3068, 3079, 3060,
Collingham & Meering		3152, 3130, 3128, 3127, 3107, 3097, 3092, 3091, 3090, 3067, 3062, 3051, 3037, 3031, 3030,
Devon		3043
Edwinstowe		3158, 3053, 3046, 3044,
Farndon		3155, 3141, 3140, 3100, 3035,
Farnsfield & Bilsthorpe		3137, 3075, 3074, 3081, 3066, 3059,
Lowdham		3157, 3156, 3154, 3148, 3147, 3146, 3139, 3120, 3109, 3102, 3087, 3086, 3085, 3073, 3082, 3065, 3057, 3056,
Muskham		3129, 3052,
Newark – Beacon		3118, 3117, 3101, 3096,
Newark - Bridge		3099,
Newark - Castle		3126, 3125, 3124, 3123, 3122, 3121, 3116, 3115, 3048, 3042, 3041, 3033,
Newark - Magnus		3114, 3113, 3077,
Ollerton		3151, 3098, 3047, 3039, 3038, 3036, 3028
Rainworth		3145,
Southwell North		
Southwell East		3159, 3138, 3133, 3110, 3078,
Southwell West		3134, 3105, 3055, 3054, 3045,
Sutton on Trent		3094, 3088, 3063, 3050,
Trent		3135, 3111, 3103, 3089, 3083, 3080, 3034,
Winthorpe		3153, 3149, 3132, 3131, 3104, 3029,

UPDATE ON QUARTERLY PERFORMANCE AND ENFORCEMENT MATTERS

1.0 Purpose of Report

1.1 To inform Committee of the activity and performance of the licensing team between 1st April and 30th June 2015 and to provide Members with details of current going enforcement issues.

2.0 Background

2.1 This report covers the period from 1st April and 30th June 2015 and sets out the range and number of licence applications during this period. It also highlights any activity required as a result of the applications.

Activity Report for 1st April to 30th June 2015

Application Type	Number Received	Number Issued	Number Refused	Comments
Personal Licence	28	28	0	
Vary the Designated Premise Supervisor	23	23	0	
Transfer of Premise Licence	10	10	0	
Minor Variation	2	2	0	
Variation to Premise Licence	8	8	0	
New Premise licence	5	5	0	
Change of Premise Name	1	1	0	
Notification of Interest	0	0	0	
Temporary Event Notices	134	134	0	

2.2 Enforcement Activity

Ongoing Enforcement Activity 1st April to 30th June 2015

Location	Summary Of Complaint/Reason For Visit	Date Case Opened	Action Taken So Far
Black Swan, High Street, Edwinstowe	Complaint of licensing hours and general disorderly behaviour from the pub.	2/4/2015	LEO have got a CCTV camera up and running on the High Street at Edwinstowe in order to monitor anti-social and licensing issues at the premise.
Private dwelling Halam.	Lady concerned that her neighbour is advertising concerts in his garden.	18/5/2015	LEO visited the address and spoke to the organiser and explained TEN process to them. The events did not require a licence as were covered under the Live Music Act. Complainant notified of action.

Cardinals Hat, Jersey Street, Newark	Advice required on conditions of the licence.	16/6/2015	Advice given to the DPS.
Co-op, Forest Road, Ollerton	The Co-op was sold in April but the new owner is still operating under the Co-op's licence despite the solicitor sending the forms.	28/5/2015	Advice given to new owner with regards complying with the licensing act legislation. Application to transfer and vary DPS has been received.
Bengal Spice, Forest Road, Ollerton	Outstanding fee not paid. Check of premise required.	12/06/2015	LEO visited premise and delivered a suspension notice. The fees were immediately paid.
Harrow Inn, Tuxford Rd, Boughton	Noise from pub.	16.6.2015	LEO visited the complainant and ascertained that this was a vexatious complaint but spoke to the staff at premise.
Dovecote Inn, Cross Hill Laxton	Applied for a TEN with excessive hours.	16.6.2015	LEO visited the applicant prior to a hearing and persuaded them to reduce the hours.

3.0 RECOMMENDATION

That the Committee consider the contents of the report and identifies any issues it wishes to examine further.

For further information please contact Nicola Kellas on Extension 5894.

Karen White
Director – Safety