



Wednesday, 7 May 2014

## LICENSING COMMITTEE

A meeting of **Licensing Committee** will be held on

**Thursday, 15 May 2014**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### Members of the Committee

Councillor Addis	Councillor Doggett
Councillor Amil	Councillor Pentney
Councillor Bent	Councillor Stocks
Councillor Brooksbank	Councillor Stringer
Councillor Butt	Councillor Ellery
Councillor Hernandez	Councillor Parrott
Councillor Hytche	Councillor Cowell
Councillor Tyerman	

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**Working for a healthy, prosperous and happy Bay**

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# LICENSING COMMITTEE

## AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the 2014/15 Municipal Year.
2. **Apologies**  
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Appointment of Vice-Chairman/woman**  
To elect a Vice-Chairman/woman for the 2014/15 Municipal Year.
4. **Minutes** (Pages 1 - 2)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 7 November 2013.
5. **Declarations of interest**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
6. **Urgent items**  
To consider any other items that the Chairman decides are urgent
7. **A review of the night time economy and the Policing Strategy** (Pages 3 - 36)  
For Members to receive a verbal update.
8. **Wheelchair Accessible Vehicles** (Pages 37 - 40)  
The percentage of hackney Carriages and private hire vehicles that are wheelchair accessible

9. **Decisions Taken in Relation to Licensing Act 2003 Applications Under Delegated Powers** (Pages 41 - 43)  
To consider a report that informs Members of the decisions taken in relation to Licensing Act 2003 applications by the Executive Head Community Safety under delegated powers.
10. **Decisions Taken in Relation to Gambling Act 2005 Applications Under Delegated Powers** (Pages 44 - 46)  
To consider a report that informs Members of the decisions taken in relation to Gambling Act 2005 applications by the Executive Head Community Safety under delegated powers.
11. **Establishment of Licensing Sub-Committee** (Pages 47 - 50)  
To consider a report that seeks to establish a Licensing Sub-Committee to deal with all matters in connection with licensing applications.



## Minutes of the Licensing Committee

7 November 2013

**-: Present :-**

Councillor Addis (Chairman)

Councillors Amil, Bent, Brooksbank, Hytche, Doggett, Faulkner (A), Pentney (Vice-Chair), Stocks and Ellery

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### **27. Apologies**

Apologies for absence were received from Councillors Butt, James and Cowell.

### **28. Minutes**

The Minutes of the meeting of the Licensing Committee held on 6 June 2013 were confirmed as a correct record and signed by the Chairman.

### **29. Wheelchair Accessible Vehicles**

On the 31<sup>st</sup> January 2013 Licensing Committee agreed to amend the Hackney Carriage and Private Hire Licensing Policy to include an aspirational target of 5% of both fleets being wheelchair accessible.

The Environmental Health Manager advised Members that the aspirational figure had already been achieved.

#### **Resolved:**

- i) That this is reviewed after the next renewal period in April 2014 to ascertain if the current incentive agreed by Licensing Committee on the 31<sup>st</sup> January 2013 is continuing to increase the percentage of wheelchair accessible vehicles in the fleet. The incentive being to allow such licensed vehicles a life span of ten years, compared to eight years for all other vehicles.

### **30. Delegated Powers gambling**

Members noted the report which sets out decisions made under delegated powers by the Executive Head, Community Safety in relation to Gambling Act 2005 applications.

#### **Resolved:**

Members instructed the Environmental Health Manager to write to lobby Government and Local Members of Parliament on behalf of Torbay Council

Licensing Committee setting out their concerns with regards to what they see as aggressive television advertising of on-line gambling.

### **31. Delegated Powers Licensing**

Members noted the report which set out the decisions made under delegated powers by the Executive Head, Community Safety in relation to Licensing Act 2003 applications.

Members were informed of Torbay Council's response to the Governments Personal Licences consultation.

### **32. Street Collection Application**

Members considered a report on a non-charitable street application that departs from Torbay Council's Street Collection Policy.

Members noted that the applicant had not attended to speak, but was aware that the Committee was taking place.

The Environmental Health Manager advised Members that by granting the application it could set a precedent for future applications by the same BID, other BID's or other non-charitable organisations which would undermine the position of the current agreed Policy.

#### **Decision:**

That the Street Collection Application in respect of Babbacombe Bay Business Improvement District, 2<sup>nd</sup> Floor, 5/6 Vaughan Parade, Torquay TQ2 5JQ, be refused.

#### **Reason for Decision:**

Having carefully considered all the information before them, Members could not be satisfied that the Applicant had shown in their submitted application an exceptional circumstance to deviate from the current agreed Policy.

In addition Members noted the absence of the Applicant, despite him being advised of when and where the hearing was to take place, and that such absence resulted in them being unable to establish, what if any, exceptional circumstances there may have been.

Being mindful that to grant an application in such circumstances could result in a precedent being set for future non-charitable organisations and how this would undermine the current agreed Policy, Members resolved unanimously to refuse the application.

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Chairman/woman



## **Performance Management Review of Torbay's Response to the Evening and Night Time Economy**

Review and Inspections Team

January 2014



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## 1.0 Executive Summary

- 1.1 Historically Torbay has responded to the ENTE in a number of ways including the implementation of dedicated teams. Varying views regarding the value of having a dedicated ENTE team, and the financial implications associated with this, has led to an independent review being commissioned to establish the most efficient and effective way to police the ENTE for Torbay.
- 1.2 Changing dynamics within the ENTE, largely owing to the effect of the economic recession and the policing landscape following the Comprehensive Spending Review, has presented opportunities to look at alternative strategies to manage the provision of a safe ENTE environment.
- 1.3 This review has engaged with a number of key stakeholders internally and externally in addition to an in-depth analysis of relevant performance data.
- 1.4 The review identifies that whilst there are some distinct benefits of having a dedicated team, they are expensive to resource on a full time basis, given the change in landscape and demand.
- 1.5 This report makes 15 recommendations based upon the findings of the review which aim to address the continuity and consistency issues, ownership, partnership working, process and working practices.

30<sup>th</sup> January 2014

Nick Wilden

T/DCI Review and Inspections





## 2.0 Introduction

- 2.1 Torbay has responded to the ENTE in a number of ways over the years including the implementation of a dedicated ENTE team. This team during the summer months 2013 consisted of two teams of a Sgt and six PC's, reducing to one team as of September 2013.
- 2.2 Due to mixed views regarding the value of having a dedicated ENTE team in Torbay, coupled with the inception of a new Senior Management Team (SMT) and times of austerity, an independent PMR has been commissioned by the Commander of South Devon to review whether employing a dedicated ENTE team is the most appropriate way to police the ENTE within the current climate.
- 2.3 The overarching aim of the review therefore is to establish the most efficient and effective way to police the ENTE for Torbay. Full Terms of Reference at Appendix A of this report.
- 2.4 The following objectives have been determined:
- Examine the current level of demand for policing ENTE in Torbay.
  - Examine the current ownership, tasking, planning and briefing process and its effectiveness in supporting the local requirements.
  - Report on the number of resources within the local structure and their capacity to meet demand, both internal and external to the organisation;
  - Establish how ENTE performance is measured, benefits realised, reported and quality assured.
  - Identify whether shift patterns meet local demands.
  - Report on how other areas police the ENTE.
  - Consider the financial implications of policing the ENTE.
- 2.5 This review concentrates on routine weekends as business as usual and considers planned policing responses to meet the predicted demand of specified events or calendar dates out of the scope of this review.



### 3.0

### Methodology

- 3.1 Research of Force systems including the Forces Crime Information System (CIS), incident data from STORM and arrests data from NSPIS.
- 3.2 Analysis of performance data filtered from the Crime Qlikview report from the Force Performance Portal.
- 3.3 Focus groups conducted within the LPA.
- 3.4 Review of relevant documentation including Operational Orders.
- 3.5 Liaison with comparative geographical area outside of the Force area identified using the variables identified within the Police Funding Formula (PFF) correlated with crime, fear of crime and non-crime incidents.
- 3.6 Observation of activity and attendance at briefings.
- 3.7 Structured and semi structured interviews with key stakeholders both within and external to the organisation including:
  - Members of the SMT
  - The ENTE team
  - Response officers
  - Critical Incident Managers (CIMS)
  - Licensing Officers
  - Force Co-ordinator, Special Constabulary
  - CCTV
  - Head of Community Safety – Torbay Council
  - Street Pastors
  - Licensee's

## 4.0 Findings

### 4.1 Current level of demand for policing ENTE in Torbay.

4.1.1 Recent years have seen a changing landscape of the Torquay ENTE, with less licensed premises, significantly less people in the ENTE, a change in visiting times and correspondingly less crime. The geography of the ENTE has also seen a change with the spread of the ENTE area in Torquay now being confined to the Harbourside.

4.1.2 Appendix B contains a detailed performance report specifically examining the ENTE in Torquay, Newton Abbot and Paignton (Roundham-with-Hyde), Town Centres the key findings are highlighted within the body of this report. The performance report provides comparisons of the last three years highlighting trends and changes in numbers of offences, incidents and arrests. The data applies the following criteria:

- The report contains data which refers to offences which have occurred between 07:00 hours 1<sup>st</sup> January 2011 and 06:59 on 1<sup>st</sup> January 2014.
- ENTE hours are between 19:00 & 06:59.
- Offence types include all violent crime, sexual offences, robbery, public order, fail to obey direction to leave and drunkenness (not including Domestic Abuse).

4.1.3 The number of offences committed between 1<sup>st</sup> January and 31<sup>st</sup> December 2011, 2012 and 2013 for Newton Abbot Town, Paignton Town and Torquay Town during the hours of the ENTE is summarised in table 1 below. A full break down of the offences by type and recorded by day is shown in the performance pack in Appendix B of this report.

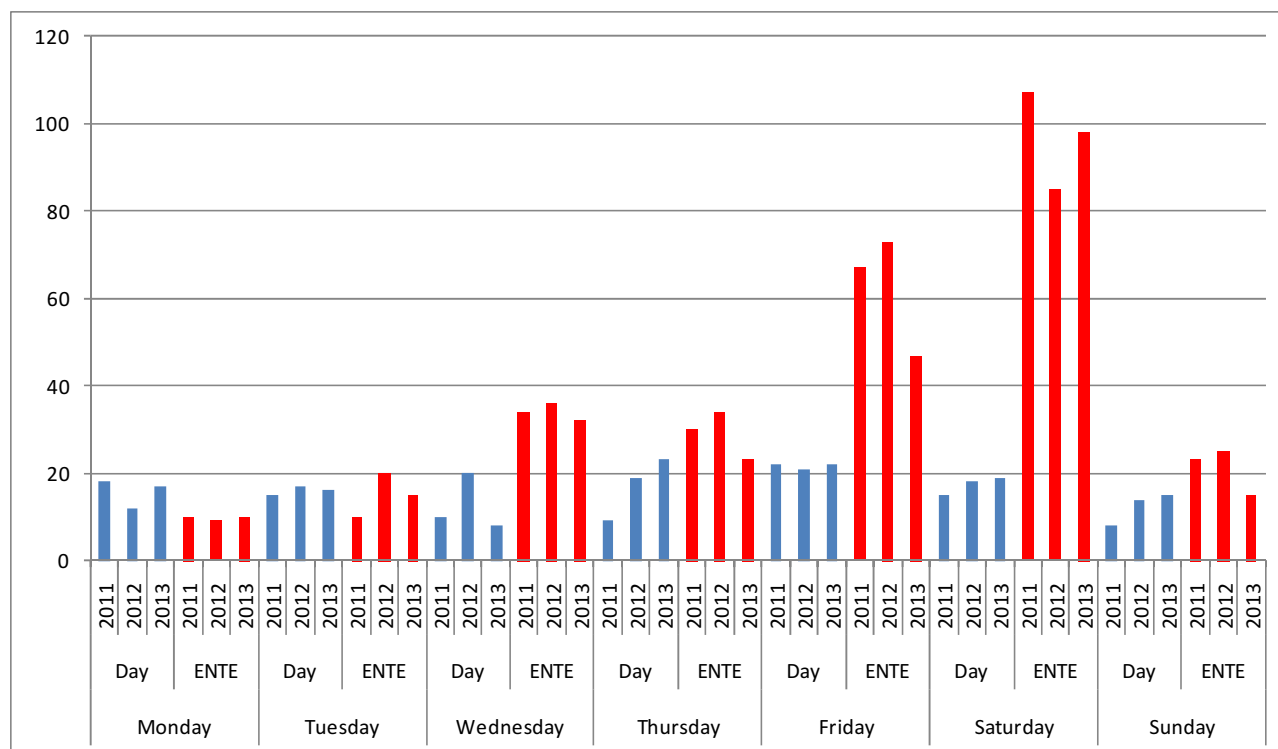
**Table 1** The tables below show the number of offences committed between 1 January 2011 and 31 December 2013 /ENTE and offence type

	Jan – Dec 2011	Jan – Dec 2012	Jan – Dec 2013
<b>Newton Abbot</b>	65.4%	69.0%	47.9%
<b>Paignton</b>	63.6%	62.8%	63.2%
<b>Torquay</b>	74.3%	70.0%	59.6%

4.1.4 Newton Abbot town and Torquay has seen a reduction in offences committed during this time over the three years this is a total of -17.5% and -14.7% respectively. The figures for Paignton however remain roughly the same over the three years.

4.1.5 When analysing all offences according to the day of the week, Saturday nights are clearly the busiest of the week, which is supported by the feedback provided by staff and licensees spoken to.

**Graph 1**



## Protective Marking

Version Date: 03/12/2013

- 4.1.6 Graph 1 above depicts all offences by day / ENTE across all days of the week in Torquay.
- 4.1.7 Friday and Saturday nights continue to be the busiest for the ENTE, however, both show a decline since 2011, although Saturday nights continue to clearly be the busiest night of the week.
- 4.1.8 This is a similar pattern to that experienced within Newton Abbot, with Friday seeing almost half of the number of incidents as on a Saturday night. Paignton sees only a small difference between Friday and Saturday evenings.
- 4.1.9 The time frame of demand also varies across the three locations. The heat map below details the comparison between the three areas in terms of the offences broken down by hour. As per the feedback given, Torquay shows that the demand is between 00:00 and 03:59, whereas this four hour period in Newton Abbot commences and finishes an hour earlier. Paignton however shows that the period of demand, whilst finishing earlier at 00:59 spans a greater period of time, with the spike of 7.1% starting at 17:00 hrs. This has seen a change over the previous two years for that area, which experienced activity until 02:59. Pages 12-14 show this same information broken down across the three areas between January-December 2011, 2012, and 2013.

**Table 2**

Hour	January 2013 to December 2013		
	Newton Abbot Town	Paignton Town - (Roundham With Hyde)	Torquay Town
0700-0759	0	0	2
0800-0859	2	3	3
0900-0959	5	9	6
1000-1059	5	16	7
1100-1159	10	9	11
1200-1259	7	9	14
1300-1359	15	14	7
1400-1459	11	14	19
1500-1559	19	22	12
1600-1659	22	14	12
1700-1759	14	23	8
1800-1859	9	17	8
1900-1959	11	23	9
2000-2059	13	22	12
2100-2159	12	23	14
2200-2259	16	26	19
2300-2359	28	23	15
0000-0059	25	26	39
0100-0159	32	6	34
0200-0259	24	10	39
0300-0359	5	9	31
0400-0459	0	1	8
0500-0559	1	0	1
0600-0659	1	1	1
<b>Total</b>	<b>287</b>	<b>320</b>	<b>331</b>

4.1.10 This data is supported by the feedback of local officers and staff who recognise that the times that ENTE issues are experienced have changed over time and the time which members of the public now go out is later. There is also a much wider issue of 'pre-loading'. Stakeholders and staff internal and external to the organisation report that people are already going out in a state of intoxication, which often isn't until 23:00 hours. Licensees concur with this and state that spend per head within licensed premises has also seen a reduction over recent years.

4.1.11 Data and feedback both emphasise the need to ensure that the harbourside ENTE is policed until 04:00 hours. This poses an issue for utilising the late turn to cover

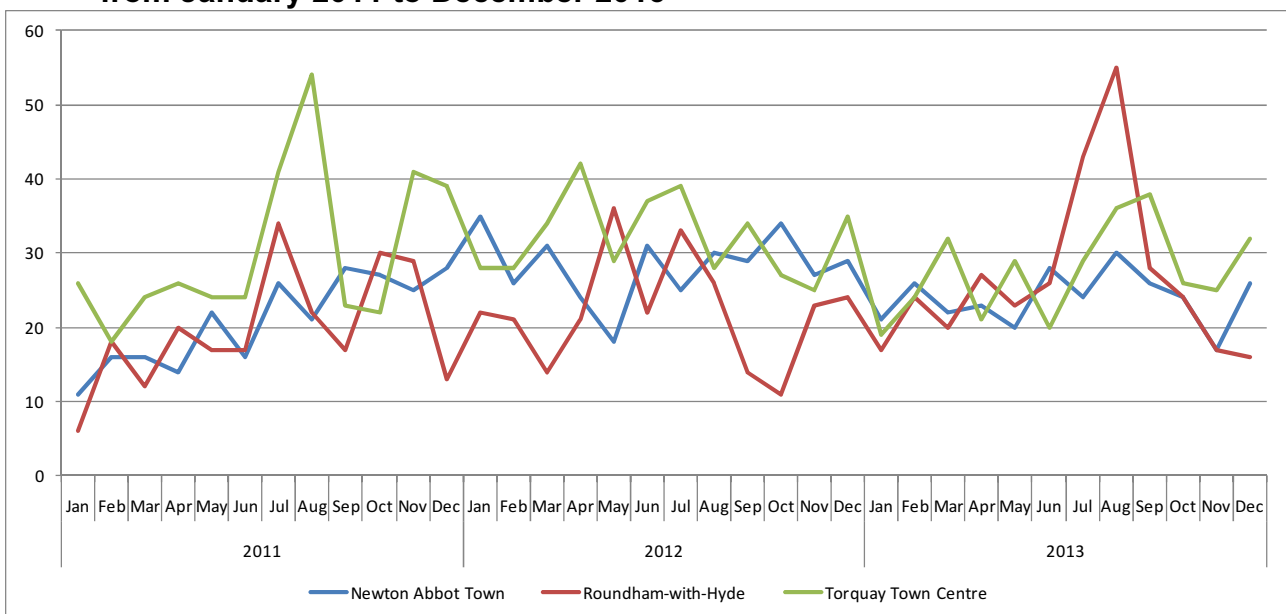
demand as is the practice using the current Op order now the ENTE team has been disbanded. The data held within this report is based upon regular ENTE activity and not skewed by any seasonal festivities that require a specific policing response.

4.1.12 The only accurate data that can be relied upon to identify demand is that of recorded crimes and logs created on STORM. However, it is noted that having a physical presence of officers in key areas may deal with incidents that do not result in a recorded incident or crime.

4.1.13 There has been mixed feedback throughout the course of this review with some stating that the ENTE demand in Torquay is seasonal, whilst others report that the demand doesn't vary much.

4.1.14 Graph 2 below identifies that there was a spike in 2011 in terms of the number of offences during the summer period in Torquay. However, comparatively in 2013 this was not experienced. This may be due to the ENTE team providing a deterrent, however, the economic downturn may have had an impact. Paignton however, does show during the summer 2013 that offences clearly rose during that period.

**Graph 2 The below graph shows the number of offences for the three areas from January 2011 to December 2013**



4.1.15 Table 2 below shows the offences in each area by offence type and year.

Examination of the statistics show public order has remained around the same level in Torquay over the three year period, but has experienced a rise in both Paignton and Newton Abbot over the same period. Drunkenness however has reduced by almost half across the three ENTE areas over the three year period.

**Table 3**

		Jan-Dec 2011	Jan-Dec 2012	Jan-Dec 2013
All violent crime	Newton Abbot Town	182	249	210
	Roundham-with-Hyde	149	193	216
	Torquay Town Centre	175	213	218
<b>Total</b>		<b>506</b>	<b>655</b>	<b>644</b>
Sexual offences	Newton Abbot Town	9	5	7
	Roundham-with-Hyde	7	6	10
	Torquay Town Centre	5	8	7
<b>Total</b>		<b>21</b>	<b>19</b>	<b>24</b>
Robbery	Newton Abbot Town	4	7	3
	Roundham-with-Hyde	9	7	10
	Torquay Town Centre	5	8	4
<b>Total</b>		<b>18</b>	<b>22</b>	<b>17</b>
Public order	Newton Abbot Town	47	56	61
	Roundham-with-Hyde	40	51	72
	Torquay Town Centre	81	86	80
<b>Total</b>		<b>168</b>	<b>193</b>	<b>213</b>
Fail to obey DTL	Newton Abbot Town	7	8	1
	Roundham-with-Hyde	11	2	3
	Torquay Town Centre	23	21	7
<b>Total</b>		<b>41</b>	<b>31</b>	<b>11</b>
Drunkenness	Newton Abbot Town	34	40	20
	Roundham-with-Hyde	45	26	25
	Torquay Town Centre	89	67	44
<b>Total</b>		<b>168</b>	<b>133</b>	<b>89</b>

4.1.16 Between 43.5% and 48.8% of all ASB incidents in each area occur within the ENTE time frame (19:00 and 06:59) as identified within the profile.

4.1.17 In terms of arrests figures, Table 4 below shows the number of people arrested under the influence of an intoxicating substance between 1<sup>st</sup> January 2012 and 31<sup>st</sup> December 2013 and detained at Torquay custody centre. This shows a reduction of 617 arrests between January and December 2013 compared with the same period the previous year. Whilst some of this may be due to the use of alternative



disposal methods employed by the ENTE team, it is pertinent to mention here that arrests nationally have seen a decline for all offences over the last three years. An independent review is currently being conducted to consider the possible reasons for this within this force. Findings report a culmination of issues such as Pace Code G, resource levels, alternative disposal methods, custody and safer detention issues, lack of training and knowledge, morale and culture issues, reduction in proactive policing and crime recording.

**Table 4 Torquay by hour of arrest**

Hour	Jan-Dec 2012	% of Total	Jan-Dec 2013	% of Total
0700-0759	13	0.6%	12	0.8%
0800-0859	20	1.0%	17	1.2%
0900-0959	23	1.1%	16	1.1%
1000-1059	32	1.5%	23	1.6%
1100-1159	26	1.2%	25	1.7%
1200-1259	36	1.7%	36	2.4%
1300-1359	44	2.1%	34	2.3%
1400-1459	61	2.9%	36	2.4%
1500-1559	55	2.6%	43	2.9%
1600-1659	66	3.2%	59	4.0%
1700-1759	68	3.2%	54	3.7%
1800-1859	82	3.9%	70	4.7%
1900-1959	112	5.3%	67	4.5%
2000-2059	112	5.3%	87	5.9%
2100-2159	135	6.4%	89	6.0%
2200-2259	159	7.6%	92	6.2%
2300-2359	173	8.3%	125	8.5%
0000-0059	231	11.0%	136	9.2%
0100-0159	224	10.7%	142	9.6%
0200-0259	192	9.2%	138	9.3%
0300-0359	135	6.4%	85	5.8%
0400-0459	59	2.8%	56	3.8%
0500-0559	24	1.1%	26	1.8%
0600-0659	13	0.6%	10	0.7%
<b>Total Arrests</b>	<b>2095</b>		<b>1478</b>	

**4.2 Establish how ENTE performance is measured, benefits realised, reported and quality assured.**

4.2.1 There were no formalised terms of reference for the dedicated ENTE team. Their activity however, has been described as, and understood to be:

- To service the ENTE (the ENTE Sergeant to act as Bronze)
- Visit license premises
- Engage and support response
- Work with local licensees
- Work with licensing officers
- Be a link point for Op. Ambassador (licensing operation)
- Police the Harbourside
- Link in with the dedicated NTL for the area
- Provide a ENTE briefing
- Provide follow up action to S.27's given
- Execute warrants and undertake proactive ENTE activity

4.2.2 Whilst this was understood by the individuals directly associated with the dedicated ENTE team, wider communication and understanding of the array of responsibilities did not exist beyond the immediate team, line management and licensing function.

4.2.3 Performance and activity was recorded by the ENTE Sergeant and shared with immediate line management however, this was not represented as part of a formal performance framework. Neither did this get translated into a specific ENTE briefing shared with Response and Neighbourhood teams.

4.2.4 The review team did not find any evidence of the performance data supplied by the ENTE team being subject to quality assurance.

4.2.5 It is also understood that the ENTE team, when they were initially established, would provide ENTE policing presence across the locations of Brixham, Paignton and Torquay Harbourside. However, the reality is although they endeavoured to be visible in these areas initially when there were two dedicated teams in existence,

this was not maintained and the policing of the ENTE became confined solely to Torquay harbourside.

4.2.6 It has been identified that there are a number of benefits and risks derived from having a dedicated ENTE team. These have been recognised as a result of analysis of performance data, stakeholder interviews and observations. Table 5 below highlights these.

**Table 5**

<b>Benefits</b>	<b>Dis-benefits</b>
<ul style="list-style-type: none"><li>• A good grip of ENTE issues locally</li><li>• Consistency</li><li>• Approved by stakeholders</li><li>• Knowledge of ENTE</li><li>• Nitenet radio</li><li>• Working with partners</li><li>• Relationship door staff</li><li>• Visible presence</li><li>• Quality of L10's</li><li>• Early intervention</li></ul>	<ul style="list-style-type: none"><li>• Shifts / morale of team</li><li>• Nitenet radio</li><li>• Harbourside policing only</li><li>• Cost</li><li>• Lack of direction / governance</li><li>• Relationship door staff</li><li>• Crime recording</li><li>• Lack of NH involvement</li></ul>

#### **4.2.7 Summary of positives and negatives**

The ENTE team when in place developed a good understanding of the local ENTE issues within the area, became familiar with local offenders and developed good relationships with licensees and associated staff, which provided them with consistency and continuity. Communication was made through the means of the nitenet radio, avoiding increased radio traffic through the Force control room, and

providing a direct link with the door staff and CCTV. However, the use of the nitenet radio has raised some concerns around ethical crime recording and that this is potentially masking statistics in crime recording and incident logging.

- 4.2.8 The team were also reported to have a positive liaison with the local licensing officer submitting intelligence via L10's and attending licensing meetings. Anecdotal evidence indicated that their presence provided some early intervention to policing of the ENTE of the Harbourside. However, it is noted that there was not an equal policing service to policing the ENTE across Torbay as policing of Brixham and Paignton fell to the responsibility of response and neighbourhood. When the team reduced to a single team in September 2013, they adopted a policy whereby alternative disposal methods would be utilised as a priority over arrest.
- 4.2.9 It is also acknowledged that whilst the familiarity of the team has been welcomed by licensees and staff for a number of reasons, concerns were also expressed during stakeholder interviews that over time door supervisors have become used to strong support by the police dedicated to addressing the ENTE issues.
- 4.2.10 Officers staffing the ENTE have also reported fatigue associated with working the shift pattern required by the team.
- 4.2.11 There was a lack of integration of the ENTE team within briefings and their activity became their responsibility and not an issue jointly owned by response and neighbourhood as it is elsewhere across the force. In reality, they were largely left to police the harbourside ENTE and govern themselves.
- 4.2.12 The presence of a dedicated team is costly to the LPA. Section 4.7 of this report details the finances associated with having such a team.

**4.3 ENTE ownership, tasking, planning and briefing process and its effectiveness in supporting the local requirements.**

4.3.1 A dedicated ENTE team provided a professional lead / ownership and presence for ENTE issues for Torquay harbourside. There is concern from partners and licensees that the absence of this type of team will have an impact on this area of policing and the effectiveness in supporting local requirements. It was acknowledged by all partners and stakeholders liaised with as part of this review that the police service was subject to financial pressures within the current climate and therefore recognised that to continue to police the ENTE in this same way would not be sustainable over the long term. However, they stated that it would be imperative for continuity to maintain engagement at local licensing forums and policing presence on the Harbourside. This would need to be via at least a single point of contact. Designated ownership of the ENTE issues is important to ensure that continued tasking, planning and briefing is focused around the prevalent ENTE issues.

4.3.2 Previous briefings regarding the ENTE were confined to the dedicated team. The ENTE Torbay Op order is now integrated within late turn response briefings, however it does not form part of the business as usual electronic briefing, therefore there is no process to handover each week identifying problem premises or problematic individuals.

4.3.3 The work of the local licensing officer is integral to the policing of the ENTE and the engagement of that individual is recognised within the organisation and partnership agencies, and their work performs and integral part of the planning and tasking of ENTE issues locally. However, information and intelligence from this role does not currently get passed to officers during a Friday / Saturday late turn briefing.

4.3.4 Torbay Council and local licensees both discussed being proud of their renewal of the Purple Flag Award, which is an accreditation scheme that recognises excellence in the management of town and city centres at night. Entertainment areas that achieve the standard will be those that offer a *better night out* to visitors. Purple Flag aims to raise standards and improve the quality of our towns and cities at

night. One of the areas included in the achievement of this flag is crime and policing of the local night time economy. Stakeholders expressed concern that the reviewed response to policing the ENTE may have a detrimental impact on further achievement of this award.

4.3.5 The Council discussed the potential to use an Early Morning Restriction Order (EMRO) which dictates the maximum time the ENTE can operate until. However, where this appears to be a useful tool nationally there has not been a single application for an EMRO that has been successful and may not be a viable solution. The Council feel that they require further Police Performance data to enable them effectively consider an EMRO.

#### **4.4 Resources within the local structure and their capacity to meet demand, both internal and external to the organisation**

##### **4.4.1 Special Constables**

Interviews with stakeholders suggest that the engagement from special constables within Torbay is limited and therefore they are not always providing a presence on a weekend.

4.4.2 It has been reported that there are 41 Special Constables for Torbay, with very few reporting for duty.

4.4.3 This does not apply to all the special constables, with there being about four regular officers who patrol Brixham. However, these officers are self deploying and are not focusing on the ENTE.

4.4.4 It has been reported that there is internal conflict between the Special Constables and the Special Constables leadership, with particular issues at the Special Constable Sergeant and Inspector rank seemingly reluctant to engage with ENTE policing and management and tasking meetings.

- 4.4.5 There is also reported to be a communication break down between the leadership within the regular Police officers and the Special Constables, which has caused some resignations with the Special Constabulary.
- 4.4.6 It is recognised that some Special Constables enjoy policing the ENTE, however some do not wish to do this on a regular basis preferring to experience other aspects of policing. Specials have found that continually policing the ENTE lessens the enjoyment for them and leads to officers dropping out of this type of policing. For some specials the potential confrontational nature of the ENTE is off putting and they are therefore reluctant to commit to it.
- 4.4.7 Forcewide the pairing of Special Constabulary with regular officers is being considered, but it is recognised that there is some resistance to this. The ability to pair up in rural stations is also difficult at times. This may help to increase resilience, but is in the early stages of development.
- 4.4.8 Licensing**
- The licensing officer has a good level of engagement with the local authority, licensees and police. All stakeholders identified that the licensing officer provided good communication and reported a good working relationship.
- 4.4.9 The licensees reported that they received regular visits and it was clear to them what the expectations, were of them through robust management from the licensing officer, who would often highlight any issues identified from the L10's submitted.
- 4.4.10 It was highlighted by the licensees that they felt that the 'no re-entry after 0200 hours' condition on their license caused more problems than it solved. This is because Torquay is the only town that operates this policy and therefore customers would often leave for a cigarette or food, leaving their party behind. When they then tried to re-enter they were being refused and then this becomes a flash point, which requires police involvement. As this is particular to Torquay and many customers are not local to the area they are not aware of the 'no re-entry after 0200 hours' condition.

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- 4.4.11 The licensing officer reported that the ENTE team had a good rapport with the licensed premises which helped to improve the working relationship. The officer reported that it was noticeable that there was a drop off in L10s and information when the ENTE team were not working.
- 4.4.12 The licensing officer felt that if initiatives were run these were more successful when the ENTE team was working because they were more aware of the initiative and were able to reinforce it.
- 4.4.13 The licensing officer stated that there was plenty of opportunity to try and prosecute those premises that were not operating within their licence, but that there is not the evidence to support this. For example, premises allowing drunk people in. Feedback was also given that if the evidence that the street pastors had of this was allowed to be used, then it would assist with dealing with the situation.
- 4.4.14 It was felt that the quality of L10 submission from officers was poor, but is not the fault of officers because they have not had the training and therefore knowledge of what to look for. This was not the case for the ENTE team who had the knowledge and therefore ability to submit better L10s.
- 4.4.15 The licensing officer provides a good level of engagement with the local authority, licensees and police.
- 4.4.16 All stakeholders identified that the licensing officer provided good communication and reported a good working relationship.
- 4.4.17 The licensees highlighted that they received regular visits and it was clear to them what the expectations were of them through robust management from the licensing officer, who would often highlight any issues identified from the L10's submitted.



#### **4.4.18 Street Pastors**

The street pastors are made up of 83 volunteers, who work at least one weekend a month, some work every weekend. They cover Torquay, Paignton and Brixham, generally being on the streets between 2200 hours to 0400 hours.

4.4.19 Street pastors are there to look after vulnerable people and to take away the workload from police and ambulance staff by dealing with minor incidents, that don't require the need of either emergency service. They are an inter-denominational Church response to urban problems, who engage with people on the streets to care, listen and enter into dialogue. They are a self-funded organisation that needs to raise money through charity and rely on any subsidies provided by the local authority, health care and police.

4.4.20 They work as a team and have a converted bus that is parked up on Torquay harbour side and provide the following assistance;

- Care for people who are drunk and incapable ensuring they get home and are appropriately cared for, including lone females.
- Provide medical care for minor injuries.
- Check on the homeless ensuring they are warm, on occasion providing food and drink.
- Patrol the streets and engage with the local youths.
- Clean up any bottles and glass on the streets.
- Try to provide early intervention with argument before they turn violent.
- Provide a weekly report of their activities to the Sector Inspector.

4.4.21 It is clear from identified performance data and stakeholder interviews that street pastors are an incredibly valuable asset that clearly save the emergency services time and money, as they will deal with the non-emergency matters that would otherwise be left to them to deal with had the street pastors not been there.

4.4.22 There is concern within the street pastors that not having the ENTE team will leave them more vulnerable and no longer engaged with by the police.

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4.4.23 They appreciate that given the financial climate that the policing of Torbay needs to be reviewed. However they have highlighted that for them to be able to continue with their volunteer work that they would need consistency with the policing response, engagement and visible presence.

4.4.24 It is also felt within the Torbay street pastors that they could provide useful information within planning and organisation and therefore would like more engagement with licensing meetings.

#### **4.4.25 Taxi Marshalls**

During times of seasonal demand Security Industry Authority (SIA) licensed individuals are employed to manage the Taxi rank located on Torquay Harbour side at a cost of £15.00 per hour, per person. At this time they are funded by the local authority.

4.4.26 They consist of two individuals who cover work between midnight and four, who will marshal the Taxi rank. This is to prevent any offences being committed and provide early intervention. Historically the Taxi rank has been a 'flash point' for anti-social and violent behaviour.

4.4.27 It has been identified through the stakeholder interviews within the police organisation and the partnership agencies that it is clear that street pastors are an incredibly valuable asset that clearly save the police time and money by being a preventative measure. All the stakeholders would like to see them every weekend, particularly on a Saturday rather than seasonal.

#### **4.4.28 CCTV**

Torbay is covered by CCTV, which is located with the Town Hall at Torquay. The CCTV control centre has two people monitoring cameras that cover Brixham, Paignton and Torquay.

4.4.29 The control centre is currently staffed from 0800 hours to 0400 hours on week days and 0800 hours to 0500 hours at weekends. There are plans in place that on 1<sup>st</sup> April 2014 they will be staffed 24 hours.

4.4.30 They have police radio and book on duty with the force control room, using the call sign F900. In addition to this they have a 'nitenet' radio which provides direct communication with the door staff of licensed premises.

4.4.31 It is felt within CCTV that the response to policing Torbay is better than it was 3 to 4 years ago, however over the last 6 months they have found it hit and miss. They were unaware that there was a dedicated ENTE team and weren't familiar with the individuals.

4.4.32 It was felt that policing of Paignton is limited and that Brixham has a culture of 'looking after itself'.

4.4.33 The CCTV representative has highlighted that although they will see PCSO's daily there is lack of engagement and communication with them regarding the ENTE, leaving them with the feeling of being a wasted asset and wasted opportunity for intelligence gathering.

#### **4.4.34 Neighbourhood Involvement**

It has been highlighted and noted that the neighbourhood team have not been involved with policing the ENTE within the Torquay Harbour side. The following have been cited as reasons for the lack of engagement;

- They have an increased volume of work, due to owning the largest neighbourhood patch in the force (Tormohun Ward), therefore they don't have capacity
- The ownership of ENTE doesn't sit with the neighbourhood team

4.4.35 However, it has also been reported that at times some officers from the neighbourhood team, would support the ENTE team.

4.4.36 It is anticipated by management that in the imminent future the neighbourhood team will have a better engagement with the ENTE, due to increased staffing when those attached to the team return from absence.

#### **4.5 Shift patterns**

4.5.1 Officers felt that the use of the late turn to cover the ENTE was not the best use of resources because officers are often busy throughout the shift and then have to police the ENTE when they are already tired and are perhaps reluctant to deal robustly with incidents as their finish time was approaching.

4.5.2 There has also been an increase in the number of complaints against the police for incivility which has a direct correlation to the period when officers are policing the ENTE and relates to officers who are covering the ENTE on the late turn.

4.5.3 Officers stated that the current shift pattern was not conducive to covering the ENTE. Many felt that the current finish time of 0300 for late turn did not cover the finish time of the clubs and means that officers are regularly being kept on to help police the kicking out of the clubs. This had a detrimental effect on the officers because they were working long hours dealing with the ENTE at a time when they are tired from a busy shift and having their rest time between shifts eroded. This was particularly the case when officers are kept on a Saturday and have to be in at 1500 on a Sunday.

4.5.4 Officers felt that some Critical Incident Managers made the decision to retain staff on duty too early and did not make an informed assessment of the circumstances of the ENTE prior to making the decision and it was felt that officers were being retained on duty just in case.

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- 4.5.5 Officers recognised the potential for using the night turn to cover the ENTE however, they were concerned of how the handover from lates to nights would be managed to enable the late turn to finish at 0300.
- 4.5.6 With the likelihood that the force will move towards a 222 shift pattern at some stage in the future and the moving across of level one investigators to response, the ability to stagger late turn shifts on a Friday and Saturday night will increase and help to provide a greater resilience with some officers working an earlier late and some starting later to help cover the later finish time of the clubs.
- 4.5.7 An EMRO should it be successful may have a positive impact on the way in which the police respond in future to the ENTE, as late turn Response would be able to police this if licensing times were reviewed and closing times bought forward.
- 4.5.8 Officers on the ENTE team stated that they were working 3 out 4 weekends covering the ENTE and were experiencing burnout from this pattern which they stated placed a heavy demand on them and impacted on their work life balance.

## **4.6 Alternative policing of the ENTE**

- 4.6.1 In the absence of having a dedicated team to police the ENTE, Torquay now work to an Operational order which identifies the following criteria:
- The order relates to Friday and Saturday night between 2100 to 0300
  - It provides a brief outline of the history of the ENTE
  - The nominal command structure with the CIM defaulting to Silver and the local sergeants Bronze this will include the local NTL.
  - Officers will attend both Torbay and also Paignton and Brixham
  - Officers are to patrol in pairs wearing high visibility vest and custodian/bowler.
  - This is the Late turn and ay Neighbourhood officers who are working (0400 finish for Neighbourhood is detailed)
  - Officers will have a Nitenet radio

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- They are responsible for liaising with the taxi marshalls and street pastors supporting them in checking the local toilets in Torquay ensuring no damage so that the council continue to support the use of these.
- Arrests are to be made and efforts to secure the best evidence made at the time of arrest
- Only the arresting officer is to remain in custody so that the van can be re deployed into the Town area
- The CIM is responsible for maintaining a balance of resources and to ensure that officers through the sergeant are fully briefed. They are also responsible for ensuring refreshment breaks are provided
- Usual airwave radio channels will be used.
- The order makes mention of licensing Tactical Advisors
- The order includes non drinking zones for each town

4.6.2 Newton Abbot has recently given consideration to the Night Turn covering the ENTE, but are currently coping with the issues well utilising the late turn. However, the advantages and disadvantages of using the Night turn are recognised as:

- N/T can take the night time economy straight away
- If there is a late arrest the overtime is reduced considerably
- The negative would be if the L/T are busy with calls at the handover period and how this would be managed

4.6.3 The ENTE policing strategy may be revisited during the summer months when the ENTE is busier.

4.6.4 In addition to reviewing how the ENTE is policed within Torbay, other areas of the force were also looked at including Newton Abbot and Plymouth (Op Expound) as well as South End on Sea, Essex Police. This town was identified following analysis which recommended the use of the variables identified in the Police Funding Formula (PFF) that are without significant quality, updateability or sensitivity issues. These variables were identified as being correlated with crime, fear of crime and non-crime incidents (the current MSGs use correlation with crime

only). The use of PFF variables provides greater consistency between funding and comparison, and reflects the wider scope of APACS (Assessments of Policing and Community Safety).

- 4.6.5 Appendix C details South-End-on-Sea's operational order for dealing with the ENTE, Op Magpie. Essex doesn't have a dedicated team to police the ENTE and currently use their night shift response section to deal with ENTE issues and provide a visible presence, the average resources being 1 PS and 6 PC's. The NTL for the town beat section, PC's and PCSO's undertake the licensing visits and maintain regular contact and communication with the licensed premises within their area. In addition, they experience a positive involvement with Special Constables, some of which have been trained specifically to deal with licensed visits. They regularly police the ENTE area and provide a valuable contribution to the policing of the ENTE. The licensing team are said to drive the policing around the ENTE. Within their ENTE area they have a total of 9 night clubs, 1 lap dancing club and 52 pubs. Additional policing requirements due to specific events is managed outside of the Op Order and addressed in advance through maintaining a calendar of events.
- 4.6.6 During a recent visit to South Wales Police it was also learnt that the ENTE policing of Cardiff, Bridgend and Swansea is achieved through the use of Night Turn Response and Special Constables with, ENTE ownership remaining with the local Licensing Sergeant.
- 4.6.7 Following a recent review of Operation Expound in Plymouth, due to the changing landscape of Plymouth ENTE, the previous Op Expound is no longer considered as the default position for policing weekends in the city centre, due to their experience and performance data informing them of less licensed premises, less people in the ENTE and correspondingly less crime. The review recognises that whilst the core principles of Op Expound are still fit for purpose when the relevant need is present, they are routinely directing a disproportionate number of resources into zones based on historical need and therefore greater flexibility is required. The new strategy takes into account a reduced level of resources available and ensures they are used effectively within the core budget restraints.

#### **4.7 Financial implications associated with policing the ENTE.**

##### **4.7.1 Summer Months 2013 (June, July, August);**

Average Monthly Cost of the ENTE

Monthly salary for the two ENTE teams (2 x Sgt, 12 x PC); £56,546.00

Total O/T for ENTE claims in Torquay £1,181.00

Total O/T for ENTE claims for rest of entire SouthDevon £7,554.00

$1181 / 3 = £394.00$  average cost in ENTE O/T for Torquay.

$7554 / 3 = £2,518.00$  average cost in ENTE O/T for rest of entire South Devon.

However if the salary of the dedicated ENTE team is to be added to the monthly average for O/T for Torquay, then the figure is £56,940.00 compared to the rest of entire South Devon at £2,518.00

##### **4.7.2 Autumn/Winter Months 2013 (Sept, Oct, Nov, Dec);**

Average Monthly Cost of the ENTE

Monthly salary for one ENTE team (1 x Sgt, 6 x PC); £28,273.00

Total O/T for ENTE claims in Torquay £291.00

Total O/T for ENTE claims for rest of entire South Devon £5,187.00

$291 / 4 = £73$  average cost in ENTE O/T for Torquay.

$5187 / 4 = £1,297.00$  average cost in ENTE O/T for rest of entire South Devon.

4.7.3 However if the salary of the dedicated ENTE team is to be added to the monthly average for O/T for Torquay, then the figure is £28,346.00 compared to the rest of entire South Devon at £1,297.00

4.7.4 The salary of the ENTE team are not additional salary costs to the force as the posts were moved from existing area of business. However as it was a dedicated



ENTE team, then the cost of the salary could be considered to be the cost of policing the ENTE in Torquay.

#### **4.7.5 ENTE O/T Costs for the financial year April 2013 to January 2014**

In Devon the total amount of ENTE overtime claims amounted to £37,623.00.

Torquay Sector ENTE overtime claims were £15,211.46, which is the highest figure for the whole of Devon. This equates to 40% of all the ENTE overtime claims.

Teignbridge West ENTE (which includes Newton Abbot) overtime claims were £190.46. This equates to 0.5% of all the ENTE overtime claims.

When this is compared to the crime figures, there is no correlation between them and the ENTE overtime claims. Newton Abbot has been chosen as a town to compare because the crime figures do not differ greatly, yet they have no dedicated ENTE team.

#### **4.8 Cross cutting themes**

##### **4.8.1 Potential Risk Areas of not having a dedicated ENTE Team**

The following are considered to be possible areas of risk the review team recognise as a possible consequence of not having a dedicated team should measures not be put in place by the SMT to address the identified areas:

- Assaults to officers and public.
- Increase in overtime.
- Response burn out for late turn.
- Increased vulnerability to street pastors and public.
- Increase in crime and incident recording resulting in an increased workload for response.
- Increase in ASB including on street drinking and drug taking.
- Decrease in public satisfaction.
- Decrease in relationship with partnership agencies.

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- Poor management leading to lack of ownership of ENTE issues.
- Increase in direction and control complaints.
- Lack of consistency identifying repeat offenders.
- Impact on early intervention activity.
- Relaxed standards regarding close scrutiny of licensees.
- Continual achievement of the purple flag award.
- Increase in response times.



**5.0 Conclusions and Recommendations**

The table below concludes the key issues which have arisen throughout this review and presents recommendations to address the issues identified. More detailed descriptions and evidence of the key findings are held within section 5.0 of this report.

No.	Conclusion	Recommendation	Owner and Due by
1	Staffing a full time dedicated ENTE team is expensive and at this time demand does not support funding. This provision is also not proportionate compared to the demand of the rest of South Devon.	Forward planning to create an ENTE calendar, detailing peak demands, to cater for specific dates and events based on evidence of seasonal variations.	LPA Commander
2	Peak demand for the ENTE is on a Saturday between the hours of midnight and 0400 hours.		
3	The current shift patterns do not cover the demand presented by the ENTE.	Review shift times to cover demand.	LPA Commander

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4	ENTE is continually evolving and there is a changed landscape according the feedback and performance data available.	Continue to evaluate the policing response, demand and performance of the ENTE and adjust accordingly to reflect an evidence based approach.	LPA Commander / Sector Inspector
5	There is a lack of individual ownership of ENTE issues at management level.	Identify professional and tactical leads to own local ENTE issues.	LPA Commander
6	There is currently no dedicated ENTE briefing or consistent handovers identifying problematic individuals and premises.	Introduce dedicated weekend ENTE briefing integrating information from the previous weeks work and the licensing officer.	Sector Inspector
7	The dedicated ENTE team have knowledge and continuity relating to people, processes, premises, call signs and partnership working.	Establish systems and processes to maintain these benefits through: <ul style="list-style-type: none"><li>• Dedicated ownership of the ENTE</li><li>• A consistent approach by all response sections in applying these processes</li><li>• Quality assure activity to ensure compliance</li></ul>	Sector Inspector

		<ul style="list-style-type: none"> <li>Regular engagement with partners and stakeholders</li> </ul>	
8	Local officers have become inexperienced with policing Torquay's ENTE and the processes associated with this role.	Utilise the knowledge and skills of the ENTE team and local licensing officer to up-skill officers.	Sector Inspector
9	There is a lack of engagement and a disjointed approach to utilising the Special Constables in policing the ENTE.	Re-invigorate Special Constable involvement and include in the up-skilling provided to regular officers.	LPA Commander
10	The Taxi Marshall scheme is a valuable asset.	Liaise with partnership agencies to incorporate the Taxi Marshall scheme as business as usual on a Saturday night.	LPA Commander
11	Street Pastors provide a valuable contribution to policing the ENTE.	Continue to enhance street pastor relationship by continual officer engagements on the street and involve in licensing meetings.	LPA Commander

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12	There are a number of identified risk areas as a result of removing the dedicated ENTE team.	Undertake a risk assessment to address and manage the identified areas to mitigate these risks.	LPA Commander
13	There is limited and inconsistent ENTE engagement with CCTV.	Incorporate CCTV within planning and management of the ENTE.	LPA Inspector
14	Some current local licensing practices may be contributing to ENTE issues.	Review current local licensing arrangements.	LPA Commander
15	There is misunderstanding and limited communication regarding the withdrawal of the ENTE team and the reasons associated with this decision.	Develop a strong communications strategy incorporating partners' views on the way forward.	LPA Commander

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## 6.0 Appendices

### Appendix A – Terms of Reference



Microsoft Office  
Word 97 - 2003 Docu

### Appendix B – Performance data



Microsoft Office  
Word 97 - 2003 Docu

### Appendix C – Operation Magpie – Essex

To circulate separately

### Appendix D – ENTE Costings



Microsoft Office  
Excel 97-2003 Worksl

# Agenda Item 8



Report No: Public Agenda Item: **Yes**

Title: **Wheelchair Accessible Vehicles**

Wards Affected: **All**

To: **Licensing Committee** On: **15 May 2014**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**  
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E.mail: **Steve.cox@torbay.gov.uk**

## 1. What we are trying to achieve

- 1.1 This report is to advise and update Members of their aspiration to make 5% of the Hackney Carriage and Private Hire Fleet wheelchair accessible by 2018.

## 2. Recommendation(s) for decision

- 2.1 That Members note the progress made to date and agree that a survey is undertaken of owners, drivers and users of Hackney Carriages and Private Hire Vehicles to try to identify barriers to the increase in wheelchair accessible vehicles, with recommendations on how to increase this percentage.

## 3. Key points and reasons for recommendations

- 3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- 3.2 On the 31<sup>st</sup> January 2013 Licensing Committee agreed to amend the Hackney Carriage and Private Hire Licensing Policy to include an aspirational target of 5% of both fleets being wheelchair accessible. See Appendix 1.
- 3.3 This has been achieved by the end of September 2013, but it was agreed a further report be submitted following the taxi renewals on the 1<sup>st</sup> May 2014. This has shown a very slight increase in the number of vehicles from 32 to 34.
- 3.4 In the next 12 months there will be an Unmet Demand Survey undertaken by a private contractor, which will involve talking to drivers, owners and users. To



understand the potential barriers to increasing the fleet of wheel chair accessible vehicles, it is recommended that this is incorporated into the tender for this survey.

**For more detailed information on this proposal please refer to Appendix A.**

**Frances Hughes**  
**Executive Head Community Safety**

## **Appendix A – Supporting information to Report**

### **A1. Introduction and history**

A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.

A1.2 On the 31<sup>st</sup> January 2013 Licensing Committee agreed to amend the Hackney Carriage and Private Hire Licensing Policy to include an aspirational target of 5% of both fleets being wheelchair accessible by 2018. See appendix one.

A 1.3 This was achieved as of the 30<sup>th</sup> September 2013 6.8% of the Hackney Carriage Fleet (11 out of 169) and 7.2% of the Private Hire Fleet (21 out of 293) were wheelchair accessible.

A1.4 It was agreed that a further report be submitted following the renewal period commencing 1<sup>st</sup> May 2015. The figures for that date are 9.5% of the Hackney Carriage Fleet (16 out of 169) and 6.8% of the Private Hire Fleet (18 out of 273) were wheelchair accessible. This is a small increase in Hackney Carriages but a slight decrease in Private Hire Vehicles. Overall this is an increase in two vehicles.

A1.5 In the next 12 months there will be an Unmet Demand Survey undertaken by a private contractor, which will involve talking to drivers, owners and users. To understand the potential barriers to increasing the fleet of wheel chair accessible vehicles, it is recommended that this is incorporated into the tender for this survey.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

There are no significant risks.

### **A3. Options**

A3.1 To agree to the recommendation or to set a higher aspirational figure.

### **A4. Summary of resource implications**

A4.1 There are no resource implications for the Council

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no environmental sustainability or crime and disorder issues. This is an equalities issue and positive progress is being made.

### **A6. Consultation and Customer Focus**

A6.1 There was public and trade consultation on the new Policy in 2012 and as part of the Unmet Demand study in 2011.

### **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other business units.

**Appendices**

None

**Documents available in members' rooms**

None

**Background Papers:**

The following documents/files were used to compile this report:

None

# Agenda Item 9



Report No: Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Licensing Act 2003 applications under delegated powers**

Wards Affected: **All**

To: **Licensing Committee** On: **15 May 2014**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**  
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✉ E.mail: **Steve.cox@torbay.gov.uk**

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## 1. What we are trying to achieve

- 1.1 To inform Members of the decisions taken in relation to Licensing Act 2003 applications by the Executive Head Community Safety under delegated powers.
- 1.2 To inform members of Torbay Council's response to the Governments Personal Licences consultation.

## 2. Recommendation(s) for decision

- 2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current licensing situation under the Licensing Act 2003.

## 3. Key points and reasons for recommendations

- 3.1 Torbay Council's "Statement of Licensing Policy" (adopted December 2010) details the scheme of delegation under the Licensing Act 2003. This Policy also requires that the Licensing Committee receive regular reports (section 1.19) on delegated decisions, so that it can maintain a general overview of the current licensing situation.

**For more detailed information on this proposal please refer to Appendix A.**  
**Frances Hughes**  
**Executive Head Community Safety**

## Appendix A – Supporting information to Report

### A1. Introduction and history

A1.1 The Licensing Act 2003 came into force on the 24<sup>th</sup> November 2005. On the 31<sup>st</sup> March 2014 Torbay Council had 805 Premises Licences/Club Premises Certificates; this is a slight decrease on 6 months earlier, but with this within the fee renewal period this is not unsurprising as redundant licences get surrendered. Up until 31<sup>st</sup> March 2014 the Licensing Committee has dealt with 547 premises hearings, of which 7 were between 1<sup>st</sup> October 2013 and 31<sup>st</sup> March 2014. Additionally up to 31<sup>st</sup> March 2014, 2771 Personal Licences had been issued, of which 71 had been issued between 1<sup>st</sup> October 2013 and 31<sup>st</sup> March 2014.

A1.2 From 1<sup>st</sup> October 2013 and 31<sup>st</sup> March 2014, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	<b>Total</b>
Premises/Club Premises Applications – New	10
Premises/Club Premises Applications – Variations	9
Premises/Club Premises Applications – Minor Variations	17
Personal Licences	71
Hearings (Licensing Committee/Sub-Committee)	7
Appeals (to Magistrates Court)	0
Temporary Event Notices	121
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	40
Transfers of Designated Premises Supervisors	61

A1.3 The number of applications, being received by the Licensing and Public Protection Team was 36 compared to 29 in the previous 6 months, though this in part reflected a bulk group of minor variation applications made by Resident and Visitor Services.

A1.4 The number of Personal Licences issued decreased slightly from 81 to 71. While the number of Temporary Events Notices (TENs), showed a slight increase compared to the last winter period.

A1.5 There has been no appeals or reviews during the period. There have been 27 appeals in total, 10 arising from Review decisions.

A1.6 Transfers of Licences and Designated Premises Supervisors variations showed little change.

A1.7 The general picture is therefore still a fairly static.

A1.8 The Government has reviewed the need for Personal Licences following their consultation in 2013, and has decided to retain them, though there will be no renewal process as had been previously required. New legislation is awaited to formalise this decision.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

There are no risks associated with this report.

## **A3. Options**

A3.1 None. Members cannot change the Officer decisions but need to be appraised of the issues in accordance with the Licensing Policy.

## **A4. Summary of resource implications**

A4.1 There is a fairly static picture, so the income has remained the same.

## **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is the "Prevention of Crime and Disorder", so the work will have a positive impact on reducing this.

## **A6. Consultation and Customer Focus**

A6.1 There is public consultation on all new and variation applications for a 28 day period.

## **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board and several teams within Community Safety are consultees on the applications.

## **Annexes**

### **Documents available in members' rooms**

None

### **Background Papers:**

The following documents/files were used to compile this report:

None



Report No: \_\_\_\_\_ Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Gambling Act 2005 applications under delegated powers**

Wards Affected: **All**

To: **Licensing Committee** On: **15 May 2014**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve**

- 1.1 To inform Members of the decisions taken in relation to Gambling Act 2005 applications in Torbay by the Executive Head Community Safety under delegated powers.

## **2. Recommendation(s) for decision**

- 2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current gambling situation under the Gambling Act 2005 in Torbay.

## **3. Key points and reasons for recommendations**

- 3.1 Torbay Council's "Gambling Policy Statement" (adopted December 2009) details the scheme of delegation under the Gambling Act 2005. This Policy also requires that the Licensing Committee receive regular reports (Section 9.15) on delegated decisions so that it can maintain a general overview of the current gambling situation in Torbay.

**For more detailed information on this proposal please refer to Appendix A.**

**Frances Hughes  
Executive Head Community Safety**

## Appendix A – Supporting information to Report

### A1. Introduction and history

A1.1 The Gambling Act 2005 came into force on 1<sup>st</sup> September 2007. Torbay Council, as the Licensing Authority are responsible for the Premises Licences issued under the legislation, along with permits for gaming machines in a number of Premises, notably Unlicensed Family Entertainment Centres (UFEC's), Club and Pub Premises. The Gambling Commission are responsible for Operator Licences and Personal Licences.

A1.2 From 30th April 2007, Torbay Council became responsible for the administration and issuing of Premises Licences and UFEC's. Below are the applications dealt with between 1<sup>st</sup> October 2013 and 31<sup>st</sup> March 2014.

	<b>Total</b>
Casino Premises Licences – New	0 (1)
Casino Premises Licences – Variation	0
Bingo Premises Licences – New	0 (7)
Bingo Premises Licences – Variation	0
Betting Premises Licences – New	0 (19)
Betting Premises Licences – Variation	0
Adult Gaming Centre Premises Licences – New	0 (20)
Adult Gaming Centre Premises Licences – Variation	0
Family Entertainment Centre Premises Licences – New	0 (3)
Family Entertainment Centre Premises Licences – Variation	1
Unlicensed Family Entertainment Centre Gaming Machine Permit – New	0 (18)
Temporary Use Notices	0
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Hearings (Licensing Committee/Sub-Committee)	0
Appeals (to Magistrates Court)	0

The numbers in brackets are the total number of each type of Premises Licences issued. There have been two variation applications, one for a Bingo premises which has resulted in the surrender of an Adult Gaming Centre.

A1.3 There has also been the surrender of one AGC, which was incorporated into the Variation to the FEC, and the surrender of one Bingo Premises Licence.



## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

There are no risks associated with this report.

## **A3. Options**

A3.1 None. Members cannot change the Officer decisions but need to be appraised of the issues in accordance with Torbay Council's Gambling Policy.

## **A4. Summary of resource implications**

A4.1 There is no significant additional resource implications from routine Gambling Act work.

## **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is "Preventing Gambling being a source of Crime and Disorder", so the work should have a positive impact on reducing this.

## **A6. Consultation and Customer Focus**

A6.1 There is public consultation on all New and Variation Premises Licence applications for a 28 day period before any licence is granted.

## **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board is a consultee on all applications.

## **Annexes**

None

## **Documents available in members' rooms**

None

## **Background Papers:**

The following documents/files were used to compile this report:

None

# Agenda Item 11



Title: **Establishment of Licensing Sub Committee**

Wards Affected: **All Wards**

To: **Licensing Committee** On: **15 May 2013**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve and the impact on our customers**

1.1 To establish a Licensing Sub-Committee to deal with all matters in connection with licensing applications.

## **2. Recommendation(s) for decision**

2.1 **That a sub-committee of the Licensing Committee be established to comprise three Members of the Licensing Committee;**

2.2 **that the terms of reference of the sub-committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);**

2.3 **that the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations; and**

2.4 **that the Governance Support Manager be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required.**

## **3. Key points and reasons for recommendations**

3.1 The establishment of a Licensing Sub-Committee at this time will enable the requirements of the Licensing Act 2003 to be implemented as expediently as possible and will comply with prescribed timescales.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Anne-Marie Bond  
Executive Head of Commercial Services**

## **Supporting information to Report**

### **A1. Introduction and history**

- A1.1 The Licensing Act 2003 (section 6(1)) states that “each licensing authority must establish a licensing committee consisting of at least ten but not more than fifteen members of the authority”. At the meeting of the Council held on 16 December 2004 (minute 425/12/04 refers), Members considered Report Env/61/04 setting out the recommendations of Licensing Working Party in relation to the new licensing arrangements. The Council agreed to establish a committee comprising 15 Members to carry out the licensing functions of the Council.
- A1.2 The Act also provides for the establishment of one or more sub-committees (Section 9(1)), consisting of 3 members of the Committee. The committee may arrange to delegate any of its functions to the sub-committees, and the sub-committees may in turn delegate the functions concerned to an officer of the licensing authority (subject to certain exemptions).
- A1.3 In order to expedite the Licensing Authority’s functions, it would be preferable for all new and existing licensing functions of the Council to be delegated to sub-committees. The Licensing Committee would therefore in practice only meet twice a year to consider:
- Regular reports on decisions made by officers;
  - Any information it wishes to pass to the Development Control Committee;
  - Reports on the needs of the local tourist economy; and
  - Reports on the local employment situation
  - Reports on changes to licensing policy e.g. Licensing, Gambling, Taxi etc.
- A1.4 The sub-committee would therefore deal with the majority of licensing matters. Given the frequency of meetings of the sub-committee, it may not always be possible to secure membership which is politically balanced. It is proposed that the composition of the sub-committee should not be governed by political balance. Any decision to waive the political balance will require a resolution of the Licensing Committee with no Member voting against.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

- A2.2 The legislation in respect of applications and notices under the Licensing Act 2003 requires a very short timescale in which some matters must be decided. Failure to appoint a Licensing Sub-Committee will cause difficulties in meeting such timescales and will require the full Committee or the Council to make required decisions with associated resource implications.

### **A3. Options**

- A3.1 It is the intention that the sub-committee would be appointed by the Licensing Committee. The sub-committee does not have to have a fixed membership,

providing all three of the Members are drawn from the parent Licensing Committee. The Council could determine to appoint the sub-committees.

#### **A4. Summary of resource implications**

A4.1 Costs associated with the operation of the sub-committee will be met from existing budgets.

#### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is the 'Prevention of Crime and Disorder', so the work should have a positive impact on reducing this.

#### **A6. Consultation and Customer Focus**

A6.1 The legislation associated with licensing and gambling requires stipulated procedures to be followed, including the right to personal attendance and representation for the parties to a contentious matter. A Sub-Committee facilitates the necessary and required discussion of the issues more favourably than the full committee.

#### **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other business units.

#### **Appendices**

None

#### **Documents available in members' rooms**

None

#### **Background Papers:**

The following documents/files were used to compile this report:

Licensing Act 2003

Gambling Act Policy/Statement of Principles