

Area West Committee - 16th June 2010

## 8. Licensing Service Update

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### Purpose of the Report

The report provides an annual update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters for the financial year 2009/10.

### Public Interest

The report gives an overview of the work of the Licensing department of the Council. The report shows the various types of licenses, permissions and consents that are issued by the Council and the numbers of applications that have been dealt with over the last financial year. The Licensing Service continues to work closely with the various Town Councils on licensing matters.

### Recommendation

That the Committee note the report. Future reports will be provided on an annual basis.

### Report Detail

#### Licensing Act 2003

##### Licences Issued and Notices Given

Within the Licensing Authority's district there are currently 679 Licensed Premises. 647 of those hold Premises Licences while the remaining 32 benefit from Club Premises Certificates. In addition a total of 1,517 Personal Licences have been issued by the Authority.

Since the commencement of the Act in November 2005 a total of 2,343 Temporary Event Notices have been given, 509 of these were given in the current year.

##### Premises Risk Ratings

In accordance with the established risk rating system each licensed premises has been rated as low, medium or high risk. As of 31 March 2010 within South Somerset there are 184 low risk premises, 439 medium risk premises and 7 high-risk premises. There are also 49 premises, which are yet to be rated. The high-risk premises have all been inspected, 85 medium risk premises and 183 low-risk premises have been inspected. The main bulk of the inspection work for this financial year will be the inspection of those premises that were determined to be medium risk.

## Enforcement

The pro-active educational partnership approach to enforcement with the aim of compliance through consent continues to be successful. And again it is pleasing to report that although there has been an increase in complaints being received against licensed premises all have been resolved without the need for formal enforcement action.

## Hearings

The following hearings have been held during the 09/10 financial year.

| HEARING DATE   | PREMISE OR PERSON                                     | TYPE OF APPLICATION          | DECISION                                     |
|----------------|---|------------------------------|--|
| 24 April 09    | McDonald's Restaurants Ltd<br>Lysander Road<br>Yeovil | New Premise Licence          | Granted with conditions                      |
| 26 June 09     | Brympton House<br>Brympton D'Evercy<br>Yeovil         | New Premise Licence          | Granted with conditions                      |
| 4 September 09 | Green Dragon<br>St Michaels Avenue<br>Yeovil          | Variation of Premise Licence | Granted with conditions                      |
| 17 December 09 | Kings Arms<br>Crewkerne<br>Somerset                   | Review of Premises Licence   | DPS removed and conditions added to licence. |

The Council has received only one application to review an existing licence this year (this is detailed above).

In addition there are no outstanding appeals to the Magistrates' Court against the decisions of this Council's licensing sub committees.

## Temporary Event notices

These are a key part of the Act's operation, and enable individuals to carry on licensable activities without a premises licence provided they serve notice in the correct way on the licensing authority and the police. The police have only 48 hours in which to object, otherwise the event goes ahead.

Temporary Event Notices given to the Licensing Authority (509)

## Variations, new licence applications, and changes of Designated Premises Supervisor

Applications for variation, transfer, new licences or change of designated premises supervisor continue to be received at a fairly constant rate.

Applications for the grant of a Premises Licence (40)

Applications for the variation of a Premises Licence (16)

Applications for the transfer a Premises Licence (49)

Applications for a change of Designated Premises Supervisor (46)

Licensing Officers continue to offer advice and guidance to applicants and liaise regularly with partner agencies to ensure the best possible service is provided by the Licensing Authority.

### **Personal licences**

Applications relating to Personal licences are still being received at a steady rate.

Personal Licences issued (509)

### **Gambling Act 2005**

#### **Licences Issued and Notices Given**

Within the Licensing Authority's area there are now 20 Premises licensed under the Gambling Act.

We also have 324 Small Society Lotteries registered.

#### **Premises Inspections & Risk Ratings**

The Licensing Authority is required to inspect premises licensed under the Gambling Act in accordance with the advice given by the Gambling Commission. To meet the Authority's obligations in this matter the scheme of inspection, report and risk assessment is still under development in consultation with the Gambling Commission and Partner Agencies.

#### **Enforcement**

Currently the Authority's role remains one of education and assistance. To date no formal enforcement action has been required and it is anticipated that as with the Licensing Act close working with partner agencies will prove most beneficial.

#### **Hearings**

Since the last update report there has been no requirement for any hearing relating to applications made under the Gambling Act. As is the case with the Licensing Act 2003 if there are no representations made against an application and in all other respects the application is properly made then there is no requirement for a hearing.

#### **Applications & Notifications received**

Applications for a Permit (8)

Notifications of Intent to have Gaming Machines (39)

#### **Taxis**

#### **Licences Issued and Notices Given**

Within the Licensing Authority's district there is currently a fleet of 262 licensed Vehicles, There are 277 Licensed Drivers and there are also 19 licensed Private Hire Operators.

## **Enforcement**

The Licensing Team has continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles we have used with the Licensing Act. Again close liaison is maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality are maintained.

The Licensing Service's taxi enforcement operations are continuing with the police and other partner agencies, including Town Councils. Three large-scale stops were organised in the last year along with several smaller scale operations. The Licensing Service are currently working with VOSA and the County Council to undertake inspections of vehicles providing school transport.

During 2009 the Licensing Department successfully prosecuted 2 individuals in the Magistrates' Court. One person was prosecuted for using an unlicensed vehicle and for failure to have the correct insurance. A second person was prosecuted for not having a private hire driver's licence and using an unlicensed vehicle.

## **Hearings**

There have been 7 hearings relating to Hackney Carriage and Private Hire licensing during 09/10.

## **Street Trading Consents**

A total of 79 Street Trading Consents have been issued, these are 20 permanent consents and 59 casual consents. Despite initial fears that these casual consents may impact on the viability of Carnivals, this has not been the case. The fees charged have enabled the Licensing Team to actively enforce the street trading and pedlars legislation at carnivals. Both carnival organisers and legitimate traders have appreciated this.

## **EU Services Directive**

The Directive was adopted by EU countries in December 2006. The Department for Business Enterprise & Regulatory Reform was required to transpose its requirements into UK law and practices before 28 December 2009.

The Directive aims at opening up the European internal market to cross border trade in services by making it easier for service providers to set up businesses or offer services in other EU countries. It imposes a number of requirements on all EU countries.

The Directive applies to Local Authorities and includes Local Authority Licensing.

The Council's Licensing Service has worked incredibly hard in conjunction with our in-house IS service to enable applicants of non exempted licence types to make their applications and payment online and for the Council to be able to issue licences online.

## **Legal Implications**

There are no legal implications contained within the report.

## **Financial Implications**

The Licensing Section generated an annual income of £318k in 2009/10, with budgeted income of £234k for 2010/11, the majority of this from Licensing Act 2003 fees.

## **Corporate Priority Implications**

Increase economic vitality and prosperity – The Licensing Service contribute to this priority by ensuring businesses are not overburdened by inspections, and that all inspections are targeted based on a risk assessment protocol.

Ensure safe, sustainable and cohesive communities – The licensing service are at the forefront of balancing the needs of the night time economy with the needs of local residents and ensuring the safety of the public.

Deliver well managed, cost effective services valued by customers – The Licensing Service provide valuable help and guidance on all licensing matters, which is valued by customers. The service also generates a substantial income, which enables it to be virtually self-funding.

## **Carbon Emissions & Adapting to Climate Change Implications (NI188)**

None.

## **Equality and Diversity Implications**

None.

***Background Papers:***      *None*

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