

Area West Committee – 21st September 2011

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 2010/11.

Public Interest

The report gives an overview of the work of the Licensing department of the Council. The report shows the various types of licences, 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. 645 of those hold Premises Licences while the remaining 34 benefit from Club Premises Certificates. In addition a total of 1,643 Personal Licences have been issued by the authority, 124 of these were issued in the current year.

Since the commencement of the Act in November 2005 a total of 2,906 Temporary Event Notices have been given, 563 of these were given in the current year. This is an increase of 10% on the previous years figure.

Inspections

259 licensed premises were inspected for compliance, this equates to 100% of the inspections that had been scheduled for the financial year.

Enforcement

The pro-active educational partnership approach to enforcement with the aim of compliance through consent continues to be successful. Formal action against licensed premises following inspection visits has not been necessary. It is also 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 2010/11 financial year.

HEARING DATE	PREMISE OR PERSON	TYPE OF APPLICATION	DECISION
22 April 2010	Woods Wine Bar Yeovil	New Premises Licence	Granted with conditions
14 May 2010	Poulett Arms Lopen Head	New Premises Licence	Granted with conditions
13 August 2010	McDonald's Sparkford	New Premises Licence	Granted with conditions
13 August 2010	Xiota 7 North St Martock	New Premises Licence	Granted with conditions
17 September 2010	27 Holyrood St Chard	New Premises Licence	Granted with conditions
08 October 2010	Globe Inn Misterton	Variation of Premises Licence	Granted with conditions
14 December 2010	Red Lion Wincanton	New Premises Licence	Granted with conditions

The Council has not received any applications to review any licences this year.

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

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 (26)

Applications for the variation of a Premises Licence (13)

Applications for the transfer of a Premises Licence (36)

Applications for a change of Designated Premises Supervisor (88)

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. Since 2005 the service has now issued 1,643 personal licences. 124 of these were issued this financial year.

Gambling Act 2005

Licences Issued and Notices Given

Within the Licensing Authority's area there are now 21 Premises licensed under the Gambling Act. There are also 221 Small Society Lotteries registered.

Premises Inspections

The Licensing Authority is required to inspect premises licensed under the Gambling Act in accordance with the advice given by the Gambling Commission. I can report that all premises licensed under the Gambling Act were inspected this year.

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.

Taxis

Licences Issued and Notices Given

Within the Licensing Authority's district there is currently a fleet of 280 licensed Vehicles, the split between the various Town Councils' is as follows;

Council	Number of Vehicles	% of the Fleet
South Somerset District Council	229	82%
Wincanton Town Council	27	9.6%
Yeovil Town Council	14	5%
Crewkerne	6	2%
Ilminster	4	1.4%

There are 292 Licensed Drivers and there are also 30 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. Four large-scale stops were organised in the last year along with several smaller scale operations. The Licensing Service is currently working with VOSA and the County Council to undertake inspections of vehicles providing school transport.

Hearings

There have been no hearings relating to Hackney Carriage and Private Hire licensing during 10/11.

Street Trading Consents

A total of 99 Street Trading Consents have been issued, these are 13 permanent consents and 86 casual consents. This is an increase of 25% over last year's figures. The Council has prosecuted one individual for street trading without consent and successfully defended the prosecution on Appeal in the Crown Court. Full costs were awarded to the Council

Animal Welfare

The table below shows the number of licences issued in the year.

Type of Licence	Area North No.	Area South No.	Area West No.	Area East No.	Total
Pet Shops	2	3	2	2	9
Dangerous Wild Animals	0	2	0	0	2
Dog Breeders	1	0	0	0	1
Riding Establishments	2	1	2	1	6
Boarding Establishments	11	4	15	6	36

All animal welfare establishments' are subject to annual inspection. 100% of these premises were inspected during 2010/11

Complaints

The following complaints were received by the Licensing Department in 2010/11. In all a total of 121 complaints were received.

Licensable Activity	No of Complaints	Outcome
House to House Collection	2	No Formal Action Required
Pet Shop	4	No Formal Action Required
Animal Boarding Establishments	2	No Formal Action Required
Dangerous Wild Animals	2	No Formal Action Required
Zoo	2	No Formal Action Required
Dog Breeding	6	No Formal Action Required
Street Collections	2	No Formal Action Required
Face to Face Fundraising	1	No Formal Action Required
Regulated Entertainment	1	No Formal Action Required
Gambling	1	No Formal Action Required
Hackney Carriage Drivers	26	No Formal Action Required
Hackney Carriage Vehicles	15	14 Stop Notices Issued
Parking on Taxi Rank	2	No Formal Action Required
Smoking in Vehicles	5	4 Fixed Penalties Issued
Private Hire Operator	2	No Formal Action Required
Premises Licensed for Alcohol	22	No Formal Action Required
Skin Piercing/Tattoos	2	No Formal Action Required
Private Hire Vehicles	5	No Formal Action Required

Legal Implications

There are no legal implications contained within the report.

Financial Implications

The Licensing Section generated an annual income of £276,242 in 2010/11, against a budgeted income of £234,510. Expenditure was £244,569 against a budgeted expenditure of £244,790.

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 is 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. It is not possible for the service to be fully self-funding as several licences and permits do not require a fee to be paid.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None.

Equality and Diversity Implications

None.

Background Papers: *None*