

Licensing Committee – 9th October 2012

6. Annual Update on the Activities of the Licensing Service

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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 2011/12. Please note the figures in brackets throughout the report relate to the financial year 2010/11 and are added to enable comparison.

Public Interest

The report gives an overview of the work of the Licensing Service 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.

Report Detail

Licensing Act 2003

Licences Issued and Notices Given

Within the Licensing Authority's district there are currently 734 Licensed Premises. 701 of those hold Premises Licences while the remaining 33 benefit from Club Premises Certificates. In addition a total of 1,752 Personal Licences have been issued by the authority, 108 of these were issued in the current year.

Since the commencement of the Act in November 2005, a total of 3,440 Temporary Event Notices have been given; 523 of these were given in the current year. This is a decrease of 7% on the previous years figure. It is felt that this can be attributed to the down turn in the economy, with people having some reluctance to putting on events that may or may not prove successful.

Inspections

164 licensed premises were inspected for compliance, this equates to 77% 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 2011/12 financial year.

HEARING DATE	PREMISE OR PERSON	TYPE OF APPLICATION	DECISION
23 May 2011	Wincanton Race Course	Variation of Premises Licence	Granted with conditions
20 July 2011	Gemini Carnival Club Donyatt Arena	New Premise Licence	Granted with conditions
23 August 2011	Croftons Stores 2 Frederick Place, Yeovil	New Premise Licence	Granted with conditions
23 September 2011	Plot 4 King George St Yeovil	New Premises Licence	Granted with conditions
04 November 2011	Crown Inn Ilminster	Variation of Premises Licence	Granted with conditions
14 November 2011	Living Pretty Old Bakery Curry Rivel	New Premises Licence	Granted with conditions

The Council did not receive any applications to review any licences in the 2011/2012 financial 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/dis-apply the requirement, continue to be received at a fairly constant rate.

Applications for the grant of a Premises Licence (26) 19

Applications for the variation of a Premises Licence (13) 14

Applications for Minor Variations 23

Applications for the transfer a Premises Licence (36) 67

Applications for a change of Designated Premises Supervisor (88) 104

Applications to dis-apply the requirement for a Designated Premises Supervisor 2

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

Personal Licences

Applications relating to Personal licences are still being received at a steady rate. Since 2005 the service has now issued (1,643) 1,752 personal licences. (124) 108 of these were issued this financial year.

Gambling Act 2005

Licences Issued and Notices Given

Within the Licensing Authority’s area there are now 18 premises licensed under the Gambling Act for a premises licence or a permit. 103 licensed premises have notifications in place for two or less gaming machines. There are also (221) 223 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. The majority of premises with a premises licence issued under the Gambling Act were inspected this year, with only one outstanding.

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 2003, 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, 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) 265 licensed Vehicles, the split between the various Town Councils’ is as follows;

Council	Number of Vehicles	% of the Fleet to the nearest whole number
South Somerset District Council	(229) 227	(82%) 85%
Wincanton Town Council	(27) 26	(10%) 10%
Yeovil Town Council	(14) 12	(5%) 5%
Crewkerne	(6) 0	(2%) 0%
Ilminster	(4) 0	(1%) 0%

There are (292) 362 licensed drivers (30) 40 licensed private hire operators across the district.

Enforcement

The Licensing Team has continued the education based enforcement and monitoring approach that is used with the Licensing Act 2003 with Hackney Carriage and Private Hire drivers and vehicles. 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 was one hearing relating to Hackney Carriage and Private Hire licensing during 2011/12. The driver’s licence was granted.

Street Trading Consents

A total of 317 Street Trading Consents have been issued, these are 13 permanent consents and 304 casual consents. This is an increase of 220% over last year’s figures. The Council has prosecuted one individual this year for street trading without consent. An appeal against the prosecution was lodged with the Court but was subsequently withdrawn.

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	1	8
Dangerous Wild Animals	0	1	0	0	1
Dog Breeders	1	0	0	0	1
Riding Establishments	2	1	2	2	7
Boarding Establishments	13	5	13	6	37

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) 73 complaints were received.

Licensable Activity	No of Complaints	Outcome
House to House Collection	(2) 1	No Formal Action Required
Pet Shop	(4) 9	No Formal Action Required
Animal Boarding Establishments	(2) 3	No Formal Action Required
Dangerous Wild Animals	(2) 2	No Formal Action Required
Zoo	(2) 0	No Formal Action Required
Dog Breeding	(6) 2	No Formal Action Required
Street Collections	(2) 0	No Formal Action Required
Face to Face Fundraising	(1) 1	No Formal Action Required
Regulated Entertainment	(1) 1	No Formal Action Required
Gambling	(1) 1	No Formal Action Required
Hackney Carriage Drivers	(26) 21	No Formal Action Required
Hackney Carriage Vehicles	(15) 14	6 Stop Notices Issued
Parking on Taxi Rank	(2) 9	No Formal Action Required
Smoking in Vehicles	(5) 2	2 Fixed Penalties Issued
Private Hire Operator	(2) 0	No Formal Action Required
Premises Licensed for Alcohol	(22) 5	No Formal Action Required
Skin Piercing/Tattoos	(2) 0	No Formal Action Required
Private Hire Vehicles	(5) 0	No Formal Action Required
Street Trading	(0) 2	Prosecution Taken

Legal Implications

There are no legal implications contained within the report.

Financial Implications

The Licensing Service generated an annual income of £280,243 in 2011/12, against a budgeted income of £246,030. Expenditure was £255,042 against a budgeted expenditure of £280,130.

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. 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*
