

Annual Licensing Report to Area West Committee

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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 2015/16

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.

Recommendation

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

Report Detail

Licensing Act 2003

Within the Licensing Authority's district there are currently 698 licensed premises. 670 of those hold Premises Licences while the remaining 28 benefit from Club Premises Certificates. In addition the authority is responsible for the issue and continued administration of 2,207 personal licences.

The Licensing Team also deal with approximately 550 Temporary Event Notices per year.

177 of these licensed premises are within Area West.

Inspections

Licensed premise inspections are carried out using a risk based approach. The higher the premise scores the more frequently it will be inspected. There are no premises in Area West that are considered to be high risk. The majority of premises are graded as medium to low risk, this will generally mean that they will be inspected every 2 to 3 years. There are currently 85 premises scheduled for inspection in Area West during this current financial year.

In order to further develop working relationships with premises in Area West, there is now a dedicated licensing officer for the area. That officer is Anita Legg. It is very much hoped that by having a dedicated officer for the area, businesses will find it easier to discuss any issues, concerns or questions they might have in relation to licensable activities.

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.

Hearings

In the last financial year there were 12 applications for licences that were the subject of objections and were therefore scheduled to be heard by a licensing sub-committee. Hearings were only required in 7 cases as licensing officers were able to negotiate with the applicants and objectors to agree conditions that were suitable to both parties. Of the 7 hearings that took place, two were refused in their entirety and the remaining 5 were permitted with conditions. Only 2 of these hearings was in relation to a premise situated in Area West.

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

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

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.

Gambling Act 2005

Within the Licensing Authority's area there are now 25 premises licensed under the Gambling Act. Three of these premises are situated in Area West. There are also 220 Small Society Lotteries registered across the district.

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

Within the Licensing Authority's district there is currently a fleet of 285 licensed Vehicles, the split between the various vehicle types is shown below:

	April 2016	WAV %	2015 DfT return ¹	WAV %	2013 DfT return	WAV %
Total Fleet	285	10.1	326	3.98	246	4.8

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DfT = Department for Transport

HCV's & PHV's (WAV's in brackets)	(29)		(13)		(12)	
HCV's (WAV's in brackets)	175 (20)	11.4	234 (13)	5.5	181 (11)	6.07
PHV's (WAV's in brackets)	110 (9)	8.1	92 (0)	0.0	65 (1)	1.5

There are currently 351 licensed drivers and 45 licensed private hire operators across the district.

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, although due to police resources we are unable to undertake as many of these operations as we would like. Two large-scale stops were organised in the last year along with several smaller scale operations. Further dates are currently being arranged.

The Enforcement Officer continues to carry out regular weekly day time checks and late night checks on taxis. These checks are carried out across the district.

Sixty three taxi/private hire related complaints were received in the past six months, which resulted in the issuing of seven stop/prohibition notices, three for vehicle damage, two for tyres at or below minimum tread level and two for failure to provide proof of insurance.

The Enforcement Officer has issued penalty points on thirty occasions for more minor issues in line with the Taxi Licensing Policy & Guidance:-

- Eight for failing to notify licensing of driving endorsements.
- Ten for failing to declare endorsements on application for renewal of drivers badge.
- Three for leaving vehicle unattended on a taxi rank.
- Three for failing to display rear plate correctly.
- Two for failing to notify licensing of change of address.
- Two for failing to display a roof sign on a Hackney Carriage Vehicle
- One for failing to notify Licensing of an accident involving a Hackney Carriage Vehicle.
- One for not having badges whilst working.

Hearings

There has been one hearing relating to Hackney Carriage and Private Hire licensing during 2015/16. As a result of the hearing the applicant was refused the renewal of his hackney carriage drivers badge.

The applicant appealed the decision to the Magistrates Court and the case was heard before District Judge Taylor on the 4th October. The judge dismissed the applicants appeal and awarded cost of

£4321.12 to be paid by the appellant. The judge praised the Council's preparation and evidence during his judgement. He was also complimentary of the Council's Taxi Licensing Policy.

Street Trading Consents

A total of 150 Street Trading Consents have been issued, these are 7 permanent consents and 143 casual consents.

Animal Welfare

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

	Area North	Area East	Area South	Area West	Total
Animal Boarding	20	11	9	16	56
Pet Shops	2	1	0	0	3
Dangerous Wild Animals	0	1	1	0	2
Dog Breeding Establishments	1	0	0	1	2
Riding Establishments	2	2	1	1	6

All animal welfare establishments' are subject to annual inspection. 100% of these premises were inspected during 2015/16

Scrap Metal Dealers

The licensing enforcement officer carried out bi-monthly compliance inspections on all scrap metal collectors and three monthly inspections for scrap metal site licence holders to ensure they are compliant with the requirements of the Scrap Metal dealers Act.

Due to police restructuring the assistance of a dedicated Police Officer to accompany and assist the Enforcement Officer on these inspections is no longer available.

SSDC currently licence seventeen sites and thirteen collectors. Two sites are located within Area West and 2 registered collectors reside within the area.

Road Closures

SSDC issued 46 road closures in the last year. These are issued to allow events, processions, carnivals etc. to take place safely. Of the total issued 17 were in Area North.

Legal Implications

There are no legal implications contained within the report.

Financial Implications

The Licensing Section generated an annual income of £297,436 in 2015/16, against a budgeted income of £312,050. Expenditure was £262,088 against a budgeted expenditure of £246,060.

Expenditure was high due to the costs of legal advice and appeals. This accounts for approximately £13k of additional expenditure.

Income was down as predicted and stated in last year's final figures. This was due to preventing out of area drivers from licensing with South Somerset. This was a loss of approximately £16k of income when compared to the previous year.

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 or the statutory fee set by Government does not adequately cover the cost of the particular licensing regime.

Carbon Emissions & Climate Change Implications

None

Equality and Diversity Implications

None

Background Papers: None
