

Report To:	LICENSING COMMITTEE	Date:	14TH MARCH 2019
Heading:	LICENSING AUTHORITY ACTIVITY REPORT: 2018 CALENDAR YEAR		
Portfolio Holder:	ENVIRONMENT		
Ward/s:	ALL		
Key Decision:	No		
Subject to Call-In:	No		

Purpose of Report

To inform the Licensing Committee of the progress made by the Licensing Authority in relation to the carrying out of the licensing functions during the 2018 calendar year.

Recommendation(s)

The Licensing Committee is recommended to:

- a) Note the content of the report; and**
- b) Make any comments and recommendations regarding the future work of the Licensing Authority.**

Reasons for Recommendation(s)

The report covers data on service volumes; details of licensing hearing decisions; decisions made under delegated powers; information on volumes of applications and enforcement activities.

The report also details the programmes of modernisation that have been put in to effect since the 2017 Calendar Year Committee Report, and the future workings of the Authority, in order for Members to provide feedback to the Licensing Team Leader.

Alternative Options Considered (With Reasons Why Not Adopted)

None

Detailed Information

Introduction

This report has been written in order to bring to Members' attention the work carried out by the Licensing Authority during the 2018 calendar year, in order to promote the working of the Authority to a wider audience.

The Licensing Authority has a statutory duty to facilitate applications for licences, and to ensure compliance with rules and regulations by licence holders.

The matters detailed within this report have been carried out by Licensing Sub-Committees and Officers delegated with authority to determine applications relating to the following licensing functions.

Licensing Act 2003:	Alcohol / Regulated Entertainments / Late Night Refreshment
Gambling Act 2005:	Betting / Gaming / Small Society Lotteries
Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847	Hackney Carriage & Private Hire (Drivers, Vehicles, Operators)
Town Police Clauses Act 1889	Omnibuses
Local Government (Miscellaneous Provisions) Act 1982	Sex Establishments / Street Trading Consents / Acupuncture / Electrolysis / Ear Piercing / Tattooing
Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018	Breeding of Dogs / Boarding of Cats and Dogs / Selling Animals as Pets Hiring out of Horses / Exhibition of Animals
Dangerous Wild Animals Act 1976	Dangerous and rare wild animals
House to House Collections Act 1939	Charitable collections made door to door
Police, Factories (Miscellaneous Provisions) Act 1916	Charitable collections made on the street
Zoo Licensing Act 1981	Zoos
Nottinghamshire County Council Act 1985 Part IV	Massage & Special Treatments (incl. Laser Treatments)
Scrap Metal Dealers Act 2013	Scrap Metal Sites and Collectors

Applications Received by the Licensing Authority during the 2018 calendar year

The table below provides data on the new licence / registration applications received and processed during the last calendar year (not including renewals). The data also details (where applicable) the total number of licences in force at the end of the 2018 calendar year (which includes renewals).

	2018	TOTAL IN FORCE
LICENSING ACT 2003		
New Personal Licences	59	1336
New Licences (Premises / Clubs)	13	417
Minor Variations (Premises / Clubs)	10	N/A
Full Variations (Premises / Clubs)	4	N/A
Reviews (Premises / Clubs)	0	N/A
Administrative Changes (Premises / Clubs)	90	N/A
Temporary Event Notices	115	N/A
Notification of Interest (Premises / Clubs)	3	N/A
GAMBLING ACT 2005		
Gaming Notifications	1	59
Gaming Machine Permits	3	16
Club Machine Permits	0	18
Temporary Use Notices	0	N/A
Occasional Use Notices	0	N/A
New Premises Licence	0	20
HACKNEY CARRIAGE & PRIVATE HIRE		
New Drivers (3 Year Licence)	245	607
New Vehicles (1 Year Licence)	91	380
New Operator (5 Year Licence)	2	18
STREET TRADING CONSENTS (Annual Consent)		
New Consents issued (Maximum of 15 trading sites)	3	11
SEX ESTABLISHMENTS (Annual Licence)		
New Licences issued	0	0
ANIMAL WELFARE (Annual Licence)		
New Dog Breeding Establishments	1	6
New Home Boarding Establishments	2	13
New Kennels & Catteries	1	9
New Pet Shops	0	4
New Riding Establishments	0	1
New Zoos	0	0
BEAUTY TREATMENTS (Annual Licence)		
New Massage & Special Treatments Premises	1	39
BODY MODIFICATIONS (One-off Registration)		
New Tattooing Registrations	7	62
New Acupuncture Registrations	2	18
New Electrolysis Registrations	1	31
New Ear Piercing Registrations	4	73
SCRAP METAL (3 Year Licence)		
New Collectors	2	13
New Sites	1	3
TOTAL APPLICATIONS GRANTED IN 2018	661	3154

The 2018 calendar year has seen a further significant increase in applications being received by the Licensing Authority, and despite a number of licences lapsing and not being renewed, we have seen a net increase of 415 licensees.

The most notable increases are to be found in the Hackney Carriage & Private Hire licensing function, where the Council continues to be seen as an attractive proposition for those seeking to become licensed drivers, and for our local companies seeking to recruit more and more drivers.

The introduction in 2017 of instalment payment options has resulted in growth within the Street Trading function with more of our adopted pitches being taken up by traders. However, we only have 15 adopted pitches, which limits the opportunity to prospective new traders.

A report detailing a new draft Street Trading Policy designed to promote commercialism, but being sympathetic in relation to locations that may negatively impact on education, healthcare, communities, other local businesses, and cultural matters, will be heard at this Committee meeting.

The other areas of the entire licensing service appear to remain reasonably consistent in terms of those renewing their licences. Where licences have lapsed or been surrendered, new applicants have taken over such businesses, however in the Licensing Act 2003 function it has been pleasing to see some new premises open during the year, which provide the public with something, a little more diverse and aspirational.

Our expected financial position at the end of the 2018/19 Council year anticipates realising a small surplus, enabling the Licensing Team Leader to now complete the restructure of the Licensing Team, with the recruitment of 2 full time Licensing Officers to replace 1 ½ existing posts that have been / are being vacated.

The expected financial position also means that for the second year running we have not had to increase our fees and charges, enabling our customers a further period of stability and reassurance as they seek to invest in their businesses.

An audit was carried out on the Team's procedures towards the end of 2018, and it was pleasing to note that no significant risks were found, and the few minor matters that were identified were able to be promptly resolved.

Compliance and Enforcement

The table below provides data on the number of enforcement actions taken during the 2018 calendar year across all of our licensing functions.

LICENSING ACT 2003	55
GAMBLING ACT 2005	0
HACKNEY CARRIAGE & PRIVATE HIRE	395
STREET TRADING CONSENTS	6
SEX ESTABLISHMENTS	0
ANIMAL WELFARE	2
BEAUTY TREATMENTS / BODY MODIFICATIONS	9
SCRAP METAL	4
TOTAL ENFORCEMENT ACTIONS DURING 2018	471

The majority of enforcement actions related to minor breaches of licence requirements relevant to each of the licensing functions (i.e. failures to display licence, failures to prevent noise nuisances, vehicles with minor bodywork imperfections, illegal parking, etc.).

More serious matters of concern that resulted in enforcement action during the year occurred within the Hackney Carriage & Private Hire licensing function, and included:

- **33 new applicants / existing licensed drivers referred to the Service Director for suspension / revocation of licence following receipt of information / failure to provide information that brought in to question their suitability to continue to hold a licence.**
- **6 driver licences revoked with immediate effect owing to information provided / failure by licence holders to provide information that called into question their suitability to continue to hold a licence owing to medical concerns.**
- **1 driver licence revoked with immediate effect following information from DVLA that his DVLA Licence had been revoked.**
- **57 vehicle licences suspended following the licence holders failing to have their vehicles undertake the mandatory six-monthly interim Certificate of Compliance Test.**
- **4 vehicle licences suspended following Officers witnessing vehicles with significant bodywork damage still being used to carry fare-paying passengers.**
- **1 driver licence revoked following information provided by Nottinghamshire County Council Safeguarding Board.**
- **2 Private Hire Operators required significant assistance to understand and implement software changes to their systems to ensure accuracy and accountability when sub-contracting bookings between them.**

Owing to the loss of a full-time member of staff for the entire 2018 calendar year, the Licensing Team Leader and Licensing Enforcement Officer were unable to carry out many day-time inspections or night-time / weekend operations (in order to facilitate applications across the functions), hence a reduction of actions when compared to the 2017 year.

It is hoped that upon the completion of the Team restructure and recruitment of new staff members, that the enforcement programmes will recommence.

Licensing Sub-Committee Cases

During the 2018 calendar year, 3 Hearings were held to determine Licensing Act 2003 applications, as detailed below:

- **Selston Sports Pavilion (New Premises Licence):** 1 x Interested Party. Application granted as applied for (including pre-agreed conditions with Nottinghamshire Police).
- **The Dog House, Hucknall: (New Premises Licence):** 2 x Interested Parties. Application granted as applied for (including conditions and operational policies pre-agreed with the Licensing Authority).
- **Palms Bistro, Kirkby in Ashfield: (New Premises Licence):** 6 x Interested Parties. Application granted as applied (including conditions agreed with the Licensing Authority and Nottinghamshire Police).

Officer Decision Record (ODR) Cases

During the course of the 2018 calendar year the Service Director held 12 hearings in relation to the suitability of applicants and existing licence holders of a Hackney Carriage & Private Hire (Dual) Driver Licence:

	Granted	Warning	Refused	Suspended	Revoked
New Driver	7	0	0	N/A	N/A
Existing Driver	0	5	0	0	0

Matters that led to the ODR hearings included relevant information contained on Enhanced Disclosure & Barring Services Reports and on DVLA Disclosure Reports, concerns in relation to the health of drivers, and complaints alleging improper conduct by drivers towards female passengers.

Appeals made during the 2018 calendar year

Decisions taken by the Licensing Authority were not the subject of any appeals during the 2018 calendar year.

Prosecutions carried out during the 2018 calendar year

The Licensing Authority did not initiate any prosecutions during the reporting period.

Notable Achievements

In early 2017, the Licensing Authority devised a “pool” of conditions and operational policies for licensed premises that are predominantly sale of alcohol led and provide late night regulated entertainment. These conditions complement the “pool” already devised by Nottinghamshire Police.

A significant number of applications made during the 2018 calendar year adopted these conditions and operational policies, enabling confidence in the Responsible Authorities when assessing such applications, resulting in fewer representations being made against them.

The programme of modernisation implemented by the Licensing Team Leader continued during 2018. The auditor who carried out the review of the working practices of the Licensing Team was very complimentary of the methods that had been put in place to promote high quality customer service, and to ensure time and resource efficiencies and cost-effectiveness.

Both the Statement of Licensing Policy and the Statement of Gambling Policy were renewed during the 2018 calendar year.

Future Work

The Licensing Authority continues to enjoy a productive working relationship with the Environmental Health Service, Environmental Protection Service, Planning Service and Nottinghamshire Police, and it is envisaged that the enforcement programme that has been on hold will recommence shortly, once the restructure of the Licensing Team has been completed.

Member Training will take place later this year, and it is intended that various Sub-Committee scenarios be acted out, to assist Members with their decision-making duties at such hearings.

Implications

Corporate Plan:

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Legal:

Information Only

There are no legal implications contained within this report.

Finance:

Information Only

This report is effective from 14th March 2019 and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carrying out its licensing functions and decision making processes.

Human Resources:

Information Only

There are no direct HR implications contained within this report.

Equalities *(to be completed by the author):*

Information Only

There are no diversity or equality implications contained within this report.

Other Implications:

None

Reason(s) for Urgency (if applicable):

Not applicable

Background Papers

None

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