

Report To:	LICENSING COMMITTEE	DATE:	22ND FEBRUARY 2018
Heading:	LICENSING AUTHORITY ACTIVITY REPORT: 2017 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 2017 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 December 2016, 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 created in order to bring to Members' attention the work carried out by the Licensing Authority during the 2017 calendar year, in order to promote the working of the Authority.

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 Boarding Establishments Act 1963	Kennels & Catteries and Home Boarding
Breeding of Dogs Act 1973	Dog Breeders
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
Pet Shop Act 1951	Pet Shops where animals are sold
Riding Establishments Acts 1963 & 1970	Horse riding premises
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 2017 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 2017 calendar year (which includes renewals).

	2017	TOTAL IN FORCE
LICENSING ACT 2003		
New Personal Licences	88	1277
New Licences (Premises / Clubs)	14	404
Minor Variations (Premises / Clubs)	12	N/A
Full Variations (Premises / Clubs)	2	N/A
Reviews (Premises / Clubs)	1	N/A
Administrative Changes (Premises / Clubs)	103	N/A
Temporary Event Notices	128	N/A
Notification of Interest (Premises / Clubs)	5	N/A
GAMBLING ACT 2005		
Gaming Notifications	2	58
Gaming Machine Permits	0	13
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)	92	362
New Vehicles (1 Year Licence)	49	299
New Operator (5 Year Licence)	3	18
STREET TRADING CONSENTS (Annual Consent)		
New Consents issued (Maximum of 15 trading sites)	5	11
SEX ESTABLISHMENTS (Annual Licence)		
New Licences issued	0	0
ANIMAL WELFARE (Annual Licence)		
New Dog Breeding Establishments	1	5
New Home Boarding Establishments	2	13
New Kennels & Catteries	0	9
New Pet Shops	0	8
New Riding Establishments	0	1
New Zoos	0	0
BEAUTY TREATMENTS (Annual Licence)		
New Massage & Special Treatments Premises	6	38
BODY MODIFICATIONS (One-off Registration)		
New Tattooing Registrations	8	55
New Acupuncture Registrations	2	16
New Electrolysis Registrations	0	30
New Ear Piercing Registrations	1	69
SCRAP METAL (3 Year Licence)		
New Collectors	3	12
New Sites	0	3
TOTAL APPLICATIONS GRANTED IN 2017	527	2739

The 2017 calendar year has seen a significant increase in applications being received by the Licensing Authority. Our expected financial position at the end of the 2017/18 Council year is one of being cost-neutral, as opposed to one of a £20,00 deficit at the end of the previous Council year.

This improvement in income has resulted in the Authority not having to seek to amend the licence fees and charges previously set, enabling our customers a period of stability and reassurance as they seek to invest in their businesses.

Reasons for the upturn in applications and income relate to:

- **The business relationships being developed by the Licensing Team Leader with the local licensed trades, resulting in the Trades having confidence in the Authority and as such being willing to invest in the local area;**
- **The Council's "Transformation Ashfield" vision that appeals to businesses that wish to buy into a more diverse and varied local economy that promotes aspiration, and in turn leads to internal competition within the Trades to seek to self-improvement;**
- **The modernisation of the licensing functions which has streamlined and simplified processes and procedures for customers and staff, and ensured the promotion of a transparent, aspirational, fair, and accountable Licensing Service seeking to balance the needs of local businesses with the needs of local communities.**
- **The streamlining of the Hackney Carriage & Private Hire Licensing function to create a "one-stop-shop" function, resulting in licensees only visiting the Council Offices when submitting an application by way of a pre-booked appointment, therefore increasing the time available to them to be earning;**
- **The promotion of regular compliance checks (sometimes with "Hub" Partners) undertaken in an open manner, with the intention of assisting businesses consistently meet the standards required of them, rather than such checks being something that individuals / businesses should fear;**
- **The implementation of monthly direct debit instalment payments for Street Trading Consent that reduces the financial risk such businesses face at "start-up"; and**
- **The provision of online and electronic information / payments to assist customers obtain the service they require promptly.**

It is hoped that this trend of increased applications and income continues, in order to further promote the good work of the Licensing Authority, and in turn assist with transforming the Ashfield District as per the Council's vision.

Discussions have been held with a number of Taxi companies and Private Hire Operators who see Ashfield as a viable location for them to set up bases, supporting their associated companies in other Council areas. Key to ensuring that these discussions lead to additional income is the need to promote a Hackney Carriage & Private Hire Licensing Policy that is best tailored to the financial and social climate experienced locally, whilst ensuring that those who we licence are adequately regulated by way of conditions, safeguarding training and compliance checks.

A report detailing proposed amendments to the Hackney Carriage & Private Hire Licensing Policy is to be heard at this Licensing Committee meeting.

Compliance and Enforcement

At the start of the 2017 calendar year, a map of all of the licensed premises within the Ashfield District was created, and each premises risk-assessed, and categorised accordingly.

- **Higher risk premises (i.e. alcohol led venues, larger capacity premises) are visited twice each year for compliance checks to ensure that they operate in accordance with the conditions of any licence / licensing objectives.**
- **Medium risk premises (i.e. Taxi Companies, Private Hire Operators, betting shops, late night takeaways, off licences, animal welfare premises, beauty treatment centres and body modification premises, etc.) are visited annually.**
- **Low risk premises (i.e. restaurants, family-orientated premises) are visited once every two years.**

In order to uphold the expectations of “Better Regulation”, our day time visits are carried out using carbonated “inspection sheets”, with the licensee being provided with a copy at the end of the inspection. The Officers carrying out the inspections therefore have a two year programme set up to complete the necessary visits.

A letter detailing any issues of non-compliance / contraventions that are found is sent to the licensee, and a deadline set for them to evidence their compliance. The objective of the compliance work is to assist the relevant Trades better understand the standards, rules and regulations that are in place, and in turn promote a more professional and respected trade to all those who work in, live in and visit our District.

All complaints received in relation to licensees are investigated in accordance with recently implemented procedures, so as to ensure accountability, transparency, and proportionality, with all matters being detailed in writing so as to ensure accuracy in complaint handling, and to allow the person complained about to have a chance to provide his / her account of any alleged incident.

The table below provides data on the number of enforcement actions taken during the 2017 calendar year across all of our licensing functions.

LICENSING ACT 2003	121
GAMBLING ACT 2005	0
HACKNEY CARRIAGE & PRIVATE HIRE	416
STREET TRADING CONSENTS	2
SEX ESTABLISHMENTS	0
ANIMAL WELFARE	3
BEAUTY TREATMENTS	11
BODY MODIFICATIONS	1
SCRAP METAL	0
TOTAL ENFORCEMENT ACTIONS DURING 2017	554

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 included:

- **The development and implementation of Action Plans to turn around the concerns the “Hub Partnership” held in relation to 3 licensed premises which had been venues where disorderly conduct had occurred or had shown a pattern of regular disorder.**
- **A Review of a Premises Licence following continual failures by a Public House to adhere to licence conditions / uphold licensing objectives.**
- **The suspension of 6 Hackney Carriage & Private Hire (Dual) Driver Licences following the licence holders’ failures to evidence that they remained a “fit and proper” person to continue to hold a licence.**
- **The subsequent revocation of 3 Hackney Carriage & Private Hire (Dual) Driver Licences following the licence holders continued failures to evidence that they remained a “fit and proper” person to continue to hold a licence.**
- **The suspension of 7 licensed vehicles that were found to be maintained to such a poor standard that Officers could not allow them to remain in service.**

Other than the day-time inspections that were carried out, several night-time / weekends operations were conducted, in order to investigate the issues that complaints related to, and for Officers to become better acquainted with how the local night time economy operated and what pressures local business felt.

The objectives of the pro-active compliance checks, and the late night enforcement inspections, are to ensure that the Authority has a keen eye on how the licensed trade upholds the licensing objectives, to record the actions of the Authority in a transparent manner, to place on record that enforcement actions had been undertaken and advice given to resolve any issues of non-compliance, and to build and maintain a productive relationship with licence holders.

In total 180 licensed premises were visited during the 2017 calendar year, as well as 22 visits made to local taxi ranks and Taxi companies / Private Hire Operator establishments.

Licensing Sub-Committee Cases

During the 2017 calendar year 3 Hearings were held to determine Licensing Act 2003 applications, as detailed below:

- **Chequers, Hucknall: (Review of a Premises Licence):** Applied for by Nottinghamshire Police on the grounds of repetitive failures to uphold the licensing objective of the prevention of crime and disorder. Licence revoked.
- **Lyngary’s, Hucknall: (New Premises Licence):** 3 x Interested Parties. Application granted as applied for subject to the addition of conditions and operating policy agreed with the Licensing Authority.
- **Havana Blue, Hucknall: (New Premises Licence):** 1 x Interested Party. Application granted as applied for subject to the addition of conditions and operating policy agreed with the Licensing Authority.

Officer Decision Record (ODR) Cases

During the course of the 2017 calendar year 6 hearings were held by the Service Director: Place & Communities 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	2	0	1	N/A	N/A
Existing Driver	3	0	0	0	0

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

Appeals made during the 2017 calendar year

The Licensing Authority was the subject of one appeal during the period reported on, relating to the decision to revoke the Premises Licence held by Punch Taverns Ltd in relation to Chequers, Hucknall.

The appeal was withdrawn following the grant of a New Premises Licence with an operating schedule agreed between the applicant and Nottinghamshire Police.

Prosecutions carried out during the 2017 calendar year

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

Notable Achievements

The Licensing Authority has devised a “pool” of conditions and policies for licensed premises that are predominantly sale of alcohol led and provide late night regulated entertainment. These conditions compliment the “pool” also devised by Nottinghamshire Police.

Any application made for a new or existing licence, if it does not address the concerns of the Licensing Authority will be met by way of a representation, seeking the applicant to agree to specific conditions and policies contained within this “pool”, relevant to the nature of the application.

The operational policies being asked for from applicants of such establishments include:

- **CCTV**
- **Conditions of Entry**
- **Crowd Dispersal**
- **Safeguarding (Children and Vulnerable Adults)**
- **Noise**
- **Queue Management**
- **Responsible Service of Alcohol**
- **Security Measures**
- **Underage Sales & False Identification**
- **Zero Tolerance Drugs**

The aim of this approach is to ensure that appropriate and necessary conditions are imposed to promote the licensing objectives, and that the relevant policies are in place for the type, location and characteristics of each premises.

A Hackney Carriage & Private Hire Licensing “One-Stop-Shop” system was introduced during the year, resulting in a significant improvement of the function (as testified by the Customer Service Feedback received), and significantly reducing the time required by staff and customers to process driver, vehicle and operator applications.

Furthermore, with the efficiency savings made by the introduction of the “One-Stop-Shop” system, other staff were freed up to carry out compliance checks, and the previous backlogs of work were eliminated.

The Licensing Team now is able to turn service requests around within one working day.

Future Work

The Licensing Authority continues to enjoy a productive working relationship with the Environmental Health Service, Environmental Protection Service and Nottinghamshire Police.

Protocols for joint enforcement operations, including those relating to Alcohol Test-Purchasing and Multi-Agency Operations have been developed by the Licensing Manager and approved by the previous Service Director: Place & Communities. It is hoped that during the 2018 calendar year these joint enforcement operations can be programmed into our working patterns, so as to ensure a regular presence within the night-time economy.

Further modernisation of the Licensing Team is planned, so as to ensure that all areas of work are streamlined, cost-effective, and designed to best serve our customers’ needs, whilst at the same time ensuring that we are well prepared to meet the demands placed on us.

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

The Statement of Licensing Policy and the Statement of Gambling Policy will both be reviewed later in 2018, with the intention that any revision be consulted upon, and then implemented and adopted during early 2019.

The Hackney Carriage & Private Hire Licensing Policy requires updating in order to ensure that the Trade better understands the legal responsibilities placed on it, that drivers follow a “best practice” blue-print consistently, and to shape the Policy in such a way as to be directly relevant to the local economy and as such reduce as best as possible some of the financial burdens faced by those seeking to become proprietors of licensed vehicles.

A report detailing proposals to amend the Hackney Carriage & Private Hire Licensing Policy is to be heard at this meeting.

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.

The report states that Licence applications have increased during the year, leading to an expectation that the cost of the Licensing Service will be fully recovered in 2017/18. No fee increases are planned for 2018/19, but additional income is anticipated from additional Licences (as noted in the Fees & Charges report to Cabinet, 18 January 2018).

This report is effective from 22/02/2018 and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	Increased income £49k.
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 carry 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 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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