

**LICENSING
COMMITTEE**

11th June 2018

LICENSING ANNUAL REPORT 2017/18

Relevant Portfolio Holder	Councillor P J Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes - Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To provide a report on the activities under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing and to inform the Committee on any issues anticipated in the ensuing year as required under the Council's Licensing Act 2003 and Gambling Act 2005 Policies.

2. RECOMMENDATIONS

Members are asked to RESOLVE that the contents of the licensing Annual Report 2017/2018 be noted.

3. KEY ISSUES

Financial Implications

3.1 None.

Legal Implications

3.2 None

Service / Operational Implications

3.3 Since 1st June 2010 Worcestershire Regulatory Services Licensing Team has taken over operational delivery of the statutory functions of licensing and enforcement of regulated activities and businesses operating under the Licensing Act 2003 on behalf of Bromsgrove District Council. These functions cover premises which sell and supply alcohol, provide regulated entertainment and late night refreshment, gambling premises, gaming machines and lotteries. The Licensing Team also deals with the operation and administration of Hackney Carriage/Private Hire vehicles, drivers and Operator's licenses, Street and House to House Collections. The Council retains full policy and statutory responsibility for all licensing functions.

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- 3.4 Under the terms of the Licensing Act 2003 and the Gambling Act 2005, each local authority is required to prepare and publish a licensing policy which has to be reviewed periodically.
- 3.5 The Council's current Statement of Principles under the Gambling Act 2005 was published with effect from 31st January 2016. The Statement of Principles will therefore need to be revised no later than 31st January 2019. Consultation is currently ongoing in relation to a draft revised Statement of Principles, which was approved for consultation by Licensing Committee on 12th March 2018.
- 3.6 The Council's current Statement of Licensing Policy under the Licensing Act 2003 was published with effect from 1st April 2014. The Statement of Licensing Policy will therefore be due for revision no later than 31st March 2019. The Licensing Committee have been asked to approve a draft revised Statement of Licensing Policy for the purpose of consultation at the meeting today.
- 3.7 Licensing Officers participate in meetings of the Bromsgrove Town Centre Management Group with partners including the Police, Street Pastors, CCTV, Community Safety and the North Worcestershire Economic Development Partnership.
- 3.8 Licensing Officers are also part of the steering group that has been working to launch and promote a "Best Bar None" scheme in Bromsgrove. A number of Licensing Officers have obtained the qualification required to be able to carry out assessments on premises that apply for accreditation, with a number of assessments due to take place shortly.

Licensing Act 2003

- 3.9 The Licensing Act 2003 transferred the alcohol licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshment, cinemas and theatres.
- 3.10 The number of new licenses issued and granted by Bromsgrove District Council in the year 2017/2018 are:

Personal Licenses	New	56	Total	1044
Premises Licenses	New	7	Total	317
Club Premises Certificates	New	0	Total	37
Temporary Event Notices			Total	251

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- 3.11 The Licensing Sub-Committee created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises, was not called upon to determine any applications during the year 2017/18. All such applications were able to be dealt with under delegated powers as either no representations were received, or because all representations received were withdrawn.

Gambling Act 2005

- 3.12 Last year saw the Council continue its functions under the Gambling Act 2005. This legislation replaced most of the existing law relating to gambling in Great Britain and much like the Licensing Act 2003 aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council. The Licensing Team now issue premises licenses for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres and casinos.

- 3.13 The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are:

Betting Premises	5
Bingo Premises	0
Adult Gaming Centres	6
Family Entertainment Centres	2
Casinos	0

- 3.14 Again all yearly maintenance fees as set out in the Gambling Act 2003 which have been set by the Local Authority for the year ending 2017/18 have been received by the Authority.

- 3.15 Compliance visits to premises licensed under the Gambling Act 2005 have been conducted by Licensing Officers, often in partnership with Gambling Commission staff.

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Taxi Licensing

3.15 The Licensing Team is also responsible for the operational function of the licensing and enforcement of Hackney Carriage and Private Hire Vehicles, drivers and Operators.

3.16 The number of licensed vehicles and drivers at the end of the year 2017/18 is shown below.

	<u>16/17</u>	<u>17/18</u>
Hackney Carriage Vehicles	122	118
Private Hire Vehicles	39	42
Hackney Carriage/Private Hire Drivers	168	161
Private Hire Operators	14	18

3.17 Licensing Officers keep in regular contact with the appointed taxi trade representatives – by phone and one to one meetings when necessary.

3.18 On 12th June 2017, Licensing Committee resolved to approve the implementation of a penalty points scheme for Hackney Carriage and Private Hire Licence Holders following consultation with licence holders and other relevant stakeholders. The scheme was introduced in an attempt to provide officers from WRS an additional mechanism for dealing with minor offences and acts of non-compliance and to help identify drivers who repeatedly offended or fail to comply with the licensing requirements placed upon them so that appropriate action can be taken against them.

3.19 Consultation also took place between December 2017 and February 2018 in relation to proposals to amend the Council's existing policies in relation to Hackney Carriage and Private Hire licensing.

3.20 Following this consultation, Licensing Committee resolved to replace the requirement for driver licence holders to obtain an NVQ Level 2 in Road Passenger Vehicle Driving with a requirement for applicants for driver licences to undertake disability awareness training.

3.21 A decision on the other proposed amendment, in relation to the acceptable level of tint on the windows of licensed vehicles, was deferred to allow for further research to be undertaken by Licensing Officers.

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- 3.22 On 21st June 2017, at the recommendation of the Licensing Committee, Council adopted a position statement which committed the Council to publishing a list of designated wheelchair accessible vehicles under sections 165 – 167 of the Equality Act 2010 with effect from 1st December 2017. Publication of such a list enables the Council to enforce a number of duties placed on drivers of designated vehicles in relation to the carriage of passengers who are wheelchair users.

Scrap Metal Dealers

- 3.23 In October 2013 the Scrap Metal Dealers Act 2013 came into force in the District. Under this new legislation the Council is responsible for issuing mobile scrap metal collector licences and scrap metal site licences. The following number of licences are currently in force:

Site Licences 4

Mobile Collector Licences 7

- 3.24 The Licensing Team is responsible for enforcing the legislation in partnership with the Police and Environment Agency.

Street Collections

- 3.25 In 2014/15, a site management agreement was negotiated and entered into with the Public Fundraising Regulatory Association (PFRA) in order to put in place some controls on when face-to-face fundraisers can visit Bromsgrove in order to try and solicit donations via direct debit. Under the site management agreement, face-to-face fundraisers should only visit Bromsgrove on Mondays and Wednesdays and are limited to a maximum of five fundraisers.

- 3.26 When originally entering into the site management agreement, the PFRA reserved the right on behalf of its members, to request that the number of days on which collections are permitted in Bromsgrove be reviewed in six months if the agreement was having a detrimental impact on their fundraising efforts. No such review has been requested to date by the PFRA. The number of complaints from member of the public about face to face fundraising has remained low throughout the year.

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Street Trading Policy

- 3.27 On 11th September 2017, following consultation, Licensing Committee resolved to adopt a new Street Trading Policy which took effect on 1st December 2017.
- 3.28 On 20th September 2017, at the recommendation of the Licensing Committee, Council resolved to rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designate all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December.
- 3.29 There are currently nine street trading consents in force across the District.
- 3.30 Worcestershire Regulatory Services Licensing Team members regularly attend and represent Bromsgrove District Council at a number of local and regional meetings, such as the Institute of Licensing meetings, the Regional Taxi Licensing Forums and other neighbouring authority groups, which continue to prove to be invaluable, on providing information on national and regional licensing matters inclusive of upcoming changes in any licensing legislation.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- 5.1 None

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