

# **LICENSING COMMITTEE**

**15<sup>th</sup> July 2019**

## **LICENSING ANNUAL REPORT 2018/19**

Relevant Portfolio Holder	Councillor A D Kent
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 2018/2019 be noted.**

### **3. KEY ISSUES**

#### **Financial Implications**

3.1 None.

#### **Legal Implications**

3.2 None

#### **Service / Operational Implications**

3.3 Since 1<sup>st</sup> 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 During the past twelve months, the Council's Statement of Principles under the Gambling Act 2005 has been reviewed and a revised Statement of Principles was approved by Council to take effect on 31<sup>st</sup> January 2019. The next scheduled review will need to be completed by 31<sup>st</sup> January 2022.
- 3.6 During the past twelve months, the Council's current Statement of Licensing Policy under the Licensing Act 2003 was also reviewed and a revised Statement of Licensing Policy was approved by council to take effect on 1<sup>st</sup> April 2019. The next scheduled review of the Statement of Licensing Policy will need to be completed no later than 1<sup>st</sup> April 2024.
- 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 have recently commenced assessments of premises seeking accreditation for 2019 under the Bromsgrove "Best Bar None" scheme, which is a project being led by the Council's Centres Manager.

**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 2018/2019 are:

Personal Licenses	New	45	Total	1090
Premises Licenses	New	11	Total	308
Club Premises Certificates	New	0	Total	38
Temporary Event Notices			Total	263

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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, determined one application during the year 2018/19. This was an application to vary an existing premises licence, which was subject to representations from members of the public. The application was granted subject to an additional licence condition imposed with a view to preventing public nuisance.

## **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 2018/19 have been received by the Authority.

- 3.15 A number of compliance visits to premises licensed under the Gambling Act 2005 have been conducted during the year by Licensing Officers, often in partnership with Gambling Commission staff.

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**Taxi Licensing**

3.16 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.

3.17 The number of licensed vehicles and drivers at the end of the year 2018/19 is shown below.

	<u>17/18</u>	<u>18/19</u>
Hackney Carriage Vehicles	118	107
Private Hire Vehicles	42	41
Hackney Carriage/Private Hire Drivers	161	164
Private Hire Operators	18	17

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

3.19 During the course of the past year, the Licensing Committee resolved to amend the wording contained in the Council's hackney carriage and private hire licensing policies in relation to the level of tint that is acceptable on the windows of licensed vehicles.

3.20 The Licensing Committee also carried out a review of the Council's Hackney Carriage and Private Hire Penalty Points Scheme and resolved to carry out consultation on amending the scheme to include the ability to issue penalty points to drivers who leave their engines running unnecessarily whilst their vehicles are stationary on a public road.

3.21 Section 177 of the Policing and Crime Act 2017 gave the Secretary of State for Transport the power to publish statutory guidance to taxi and private hire licensing authorities on how their licensing powers can be exercised in order to safeguard children and vulnerable adults.

3.22 In February 2019 the Department for Transport launched a 10 week consultation on a draft of the statutory guidance. This consultation was open for responses until 22<sup>nd</sup> April 2019.

3.23 The final version of the statutory guidance is anticipated to be published later this year at which point the Council, along with all other taxi and private hire licensing authorities, will need to have regard to the guidance when reviewing and revising its policies on the licensing of taxi and private hire vehicles.

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## **Animal Activity Licensing Implementation**

- 3.24 Over the past twelve months, an enormous amount of work has gone into implementing the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which came into force on 1 October 2018.
- 3.25 These regulations were made under the Animal Welfare Act 2006 and replaced the licensing regimes and legislation in place for dealing with the following activities when conducted on a commercial basis:
- Selling animals as pets
  - Providing boarding in kennels for dogs
  - Providing home boarding for dogs
  - Providing day-care for dogs
  - Providing boarding for cats
  - Hiring out horses
  - Breeding dogs
  - Keeping or training animals for exhibition

## **Scrap Metal Dealers**

- 3.26 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 also scrap metal site licences. The following number of licences are currently in force:

Site Licences	6
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Mobile Collector Licences	8
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- 3.27 The Licensing Team is responsible for enforcing the legislation in partnership with the Police and Environment Agency.
- 3.28 Worcestershire Regulatory Services Licensing Team members regularly attend and represent Redditch Borough 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 including upcoming changes in any licensing legislation.
- 3.29 One of the Senior Licensing Practitioners is also a Member of the Local Government Association's Licensing Policy Forum.

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**4. RISK MANAGEMENT**

4.1 None

**5. APPENDICES**

5.1 None

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