

Taunton Deane Borough Council

Licensing Committee – 18 November 2015

Licensing Update Report

Report of the Acting Licensing Manager

(This matter is the responsibility of Executive Councillor Patrick Berry)

1. Executive Summary

This report provides an update on the activities of the Council's Licensing Team, changes to legislation, current consultations and other general licensing matters.

2. Background

- 2.1 In the last three months, since the last report, the Licensing Manager, Ian Carter, has left the organisation. Several other changes to staffing have taken place during that time which are reflected below.

3. Report

Work backlog and staffing

- 3.1 The performance of the Licensing service is measured against the number of applications that are determined within 14 days of receipt. The service target for each quarter is to determine 95% within this timescale. The service failed to reach that target in the first quarter of the financial year, determining 75% of applications within 14 days. The most recent figures produced for the second quarter show a further decline, with 60% being determined within the timescale.
- 3.2 In addition to failing to reach the target performance, as described above, the team have had to 'isolate' a backlog of applications. The number of applications awaiting determination currently stands at approximately 344. In order to address the backlog of work, a temporary Licensing Officer and temporary Licensing Assistant have been employed, for a minimum of three months. It is estimated that it will take approximately four months to clear the backlog. This will be kept under review.
- 3.3 Ian Carter has now left the Council and John Rendell has been appointed acting Licensing Manager. A permanent appointment for this position will be made once the backlog has been cleared and the team is on a more stable footing. Until then, the Licensing Officer position that John had previously occupied will be backfilled temporarily.

Applications received and licences in force

- 3.4 The numbers of applications received for each of the regimes administered by the Licensing Team between July and September 2015 are shown in comparison with those received for the period in the preceding two years at **Appendix 1**. The numbers

of licenses in force and notices given as of the 14th of October 2015 are shown at **Appendix 2**.

- 3.5 Generally, application numbers during this period remain fairly similar in number to that period in the preceding two years, with the exception of taxi and private hire related applications, which has risen considerably since that period in 2013. This can be attributed to applications made by out of area applicants, the majority of which reside in Bristol. Members may recall that a report on a proposed change to policy, requiring out of area applicants to support their applications with evidence of working within the Taunton Deane area, was presented and resolved at the last meeting of the committee. Since the policy has been introduced, application numbers have begun to decline and a number of applicants have withdrawn their applications. The full impact of the change to policy will be clearer when the numbers of applications are known for the period of October to December.

Service requests

- 3.6 Also shown at **Appendix 1** are the numbers of service requests received between July and September 2015, compared with the previous two years. Nine of the requests constituted complaints about the conduct of licensed hackney carriage and private hire vehicle drivers.
- 3.7 Numbers of service requests recorded in this period have shown no dramatic change since the period in 2014.

Hearings

- 3.8 Only one formal hearing took place between July and September. A licensing sub committee was held in August to determine a premises licence grant application for Knapp Farm, Hillfarrance.
- 3.9 A licensing sub committee also met informally in July. This was to determine an application to vary a premises licence for 2 Bridge Street, Taunton. A formal hearing was dispensed with, following mediation and a compromise having been reached between the applicant and residents who had made representations (in accordance with regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005). Members of the sub committee met with the case officer for a verbal update and to determine the application, without the applicant and residents having to attend.

Forums

- 3.10 There have been two meetings of the taxi forum since the last committee. Since then, officers and members of the trade have been exploring a number of ideas brought forward at previous meetings, which include limiting the number of hackney carriages and expanding the 'fit and proper' person test applied to drivers to include a requirement to provide proof of proper business accounting and reviewing Council policy which restricts the types of vehicle that can be licensed as a hackney carriage. Two reports on these issues will be presented at the next meeting of the licensing committee.

Changes to legislation

- 3.11 On 1 October 2015, section 10 of the Deregulation Act 2015 came into effect, changing the duration of some hackney carriage and private hire vehicle driver licences and private hire operator licences.
- 3.12 Prior to the commencement of the Act, licensing authorities could grant hackney carriage/private hire drivers licences for up to three years in duration. Our current licence and fee structure permits a one year licence to be issued upon an application for the grant of a licence. The licence holder then has a choice to renew that licence for one year or three years thereafter. The change in legislation creates a standard duration of three years upon grant or renewal, unless there are circumstances which would justify a lesser period.
- 3.13 With regard to private hire operator licences and prior to the commencement of the Act, licensing authorities could grant private hire operator licences for up to five years in duration. Our current licence and fee structure permits a one year licence to be issued upon applications for both the grant and renewal of a licence. The change in legislation creates a standard duration of five years upon grant or renewal, unless there are circumstances concerning the driver which would justify a lesser period.
- 3.14 With no fee structure in place to facilitate a the grant of a three year driver licence and grant or renewal of a five year private hire operator licence, we are not fully compliant at present but work will be undertaken to develop new fees and procedures so that a report can be presented on the matter at a subsequent licensing committee meeting.

4 Finance Comments

- 4.1 The temporary increase in staffing will cost an additional £19,000 over the 4 months that initial estimate suggests they will be required. There will also be a small impact on the income stream with the withdrawal of applications that have not been processed within the required timescales but this should be mitigated by the staffing increase.
- 4.2 Further detail on the implications of the Deregulation Act 2015 will be provided at the next committee meeting.

5 Legal Comments

- 5.1 The legal implications are set out within the report.

6 Links to Corporate Aims

- 6.1 The Licensing Service is committed to helping businesses and individuals to comply with all relevant legislation in order to support new and existing businesses and enabling cultural and leisure activities, thereby supporting the Council's Corporate Aims of 'a vibrant economic environment' and 'a vibrant social, cultural and leisure environment'.

7 Environmental and Community Safety Implications

7.1 The four licensing objectives under the Licensing Act 2003 are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

With the addition of securing the welfare of animals, these are the main aims of the Licensing Service. The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring environmental and community safety.

8 Equalities Impact

8.1 As an update report there are no equality impacts upon service users, employees or the wider community. Any new policies, procedures and processes implemented by the Licensing Teams undertaking of project work will be subject to the requirement of an Equality Impact Assessment.

9 Risk Management

9.1 Steps to secure additional resources have been taken to address the work backlog and mitigate the risk of the service failing to achieve its aims, as identified at paragraph 7.1, which will also mitigate the risk to the reputation of the Council.

10 Partnership Implications

None identified

11 Recommendations

That the report be noted.

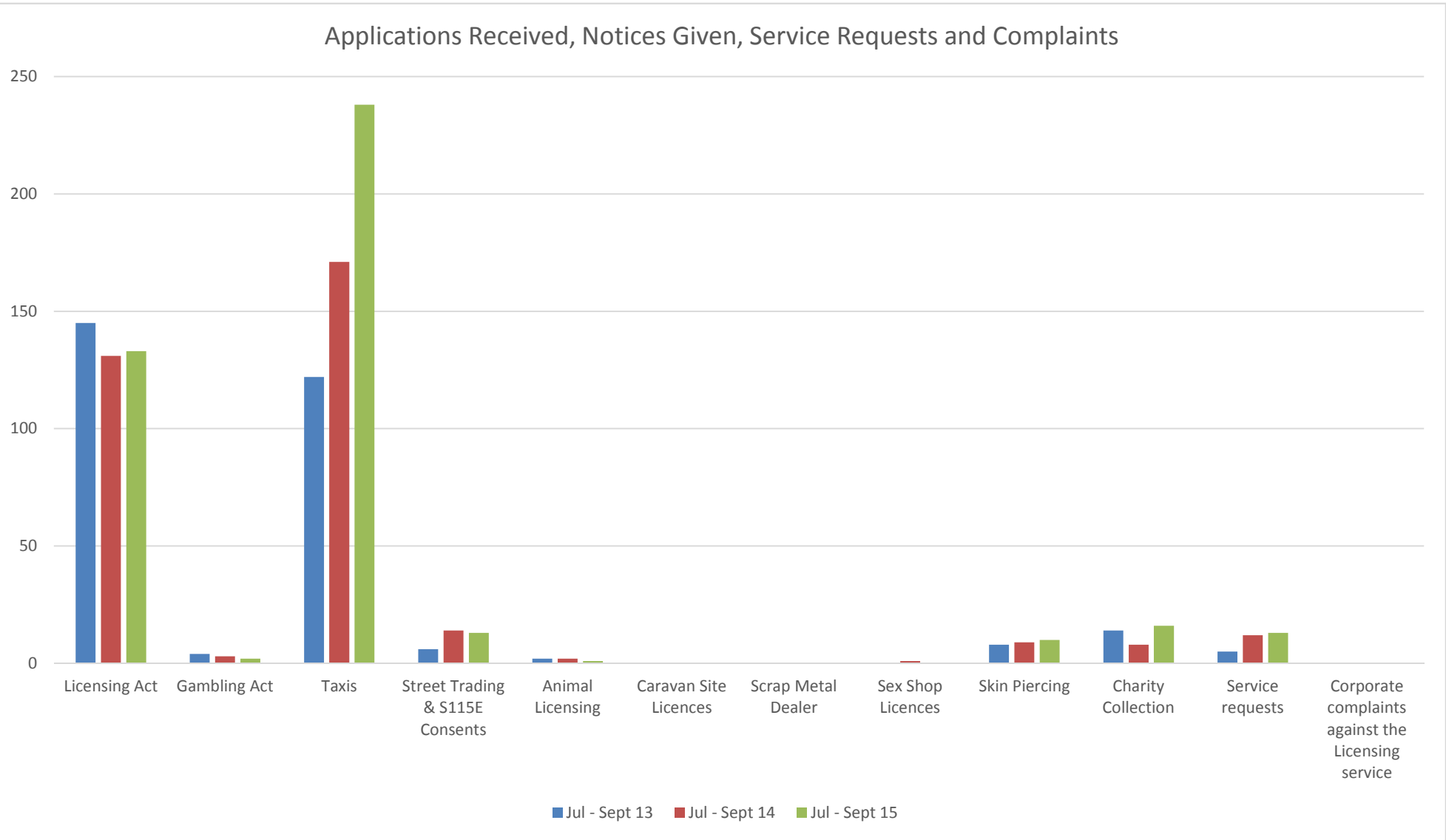
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Appendix

Appendix 1 – Table showing Number of Applications Received, Notices Given, Service Requests and Complaints

Appendix 2 – Spreadsheet of Licenses Issued and Notices Given

Applications Received, Notices Given, Service Requests and Complaints



Licences Issued and Notices Given

These figures show the number of licences in force at the 14 October 2015 and the number of notices given since commencement of the relevant legislation

Licensing Act 2003 Premises Licences	402
Licensing Act 2003 Club Premises Certificates	30
Licensing Act 2003 Personal Licences	1301
Licensing Act 2003 Temporary Event Notices	3111

Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	8
Gambling Act 2005 Occasional Use Notices	35
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	97
Gambling Act 2005 Temporary Use Notices	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	4
Gambling Act 2005 Notification of 2 or less Gaming Machines	62

Hackney Carriages	209
Private Hire Vehicles	53
Hackney Carriage & Private Hire Drivers	322
Private Hire Operators	20

Street Trading Consents	28
Section 115E (Pavement Café) Permits	

Zoo Licences	0
Pet Shop Licences	7
Dog Breeding Licence	2
Animal Boarding Licence	13
Riding Establishment Licences	11
Dangerous Wild Animal Licences	0

Caravan Site Licences	42
Scrap Metal Dealer licence	17
Sex Shop Licences	2
Skin Piercing Registrations	258
Street Collection Permits	288
House to House Collection Permit	118