

Taunton Deane Borough Council

Licensing Committee – 23 November 2011

Licensing Update Report

Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor Ken Hayward)

1. Executive Summary

The report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters.

2. Background

- 2.1 This report is produced to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

3. Report

Licensing Act 2003

- 3.1 Application numbers are still below previous levels and there has been little change in the total numbers of Premises Licences and Club Premises Certificates within Taunton Deane since the figures presented to this Committee at its meeting on 28 June 2011. The total numbers of licences issued and notices given up to the end of October 2011 are set out in Appendix 1.
- 3.2 Although service requests have been received since the last update to committee, a continued co-ordinated multi agency approach has again secured remedy or compliance without the need for formal legal action.
- 3.3 The Police Reform and Social Responsibility Act was enacted in September this year. Within Part 2 it contains amendments to the Licensing Act 2003, the introduction of the Late Night Levy and the repealing of Alcohol Disorder Zones. These provisions reported to the Committee at its last meeting have not yet come into force. A full update will be provided once the Secretary of State has issued the necessary commencement orders. No timescale has, at the time of writing, been indicated.

- 3.4 In September the Department for Culture Media and Sport launched a consultation that seeks views on a proposal to remove licensing requirements in England and Wales for most activities currently defined as “regulated entertainment” in Schedule One to the Licensing Act 2003. A verbal update on the Council’s response to the consultation will be presented to the Committee.

Gambling Act 2005

- 3.5 There has been no significant change in the numbers of Permits, Registrations and Licences held with Taunton Deane and application numbers remain low. The total numbers of Licences issued and notices given up to the end of October 2011 are set out in Appendix 2.

Taxis

- 3.6 The licensed Taxi fleet within Taunton Deane has shown a small decrease in the number of vehicles and drivers since the end of May 2011. The total numbers of Licences issued and applications received up to the end of October 2011 are set out in Appendix 3.
- 3.7 Licensing sub committees were held on 8th July and 29th September to determine two separate applications for licences to act as a taxi driver. Both applicants had received convictions in the past and the Sub Committees were asked to determine whether each applicant was suitable to have a licence to drive a taxi. One applicant was granted a licence and the other was refused.

Smoking in public vehicles

- 3.8 An evening operation on 2nd September revealed that, despite raising the issue at previous Taxi Forums, drivers are continuing to smoke in their vehicles, and as a result three fixed penalty notices were served. And a further three fixed penalty notices have been served since then.
- 3.9 Taunton Deane acknowledges that some drivers will continue to smoke and where they are found smoking in a public vehicle, even when it is out of use, they will continue to receive fixed penalty notices and repeat offenders may be taken to Court.
- 3.10 To support drivers who wish to benefit from assistance to stop smoking, Taunton Deane has been in contact with the NHS Smoking Cessation Service who are happy to provide support and advice directly to drivers, or to groups of drivers through their employer. Contact details for this service were provided at the most recent Taxi Forum.

Taxi Forum

- 3.11 The 4th Taxi Forum will be held on 18 November 2011. Membership of the Forum is made up of representatives from licensed drivers and operators put forward by the trade themselves, Licensing Officers and members of the Licensing Committee.

- 3.12 A verbal report of topics discussed and the actions taken since the last Forum will be presented to the Committee.
- 3.13 The Licensing Team would be happy to send notes of the meeting, when published, to any members who would like to see them.

Street Trading & Pavement Cafes

- 3.14 Application numbers remain low. The total number of permits and licences issued up to the end of May 2011 are set out in Appendix 4.
- 3.15 A review of street trading activities in the town centre has revealed there is some confusion on the part of traders over which areas attract which fee, and what 'food' or 'non-food' means.
- 3.16 To clarify the position, 'food' refers to take away or ready to eat foods and 'non-food' refers to all non food items and foods that require further preparation, or are not intended to be eaten as a snack.
- 3.17 To improve the facilities for street trading within Taunton it is proposed to 'zone' the town centre using the plan in Appendix 7 so it is clearer for applicants where each pricing band applies. It is anticipated that by using a map approach it will encourage applicants to consider regenerated areas of the town, such as Somerset Square, Goodlands Gardens and in time, Castle Green rather than focussing on the areas around the Market House. A verbal update on the changes to the street trading areas within Taunton will be presented to the Committee.

Street Traders Forum

- 3.18 The next Forum will be arranged once authority for the above changes to Street Trading facilities has been obtained.

Animal Welfare Licensing

- 3.19 Numbers of Licences held within the Borough have dropped slightly with one Licence being withdrawn following the conviction on animal cruelty charges of the proprietor. The total numbers of licences consents and permits issued up to the end of May 2011 are set out in Appendix 5.

Other Licensing

- 3.20 The total number of licences, consents, registrations and permits issued at the end of the last quarter are set out in Appendix 6.

Service Commitment to Processing of Applications and Renewals

- 3.21 Since April 2011 the Licensing Team has been ensuring that all complete applications and renewals are processed and sent out within 14 days, which includes public holidays and weekends, unless there are legislative reasons requiring an extension such as consultations periods or Committee dates. A robust monitoring system is in place to ensure this can be scrutinised in the event of a complaint.

- 3.22 Officers have managed to achieve this level of service on all except one occasion, where the applicant was informed that although we could not meet the service guarantee due to staffing shortages, the renewal would be processed prior to the expiry of the current licence. The applicant was satisfied with this as there was no detriment to his business continuity.
- 3.23 Reminders are sent out to all current licence holders at least two months in advance of the expiry date which gives plenty of time to make a renewal application and supply the necessary documents.
- 3.24 The 14 day system has worked well; with the exception of a few applicants who have not appreciated they won't be prioritised over others because they have failed to provide all the documents, or made an application in good time before the expiry of their current licence.

Staffing Update

- 3.25 Following the recent departure of one Licensing Officer, the remaining Licensing Officers are Olivia Walton and John Rendell. Ian Carter, Licensing Manager has recently returned from long term sickness absence following a significant back injury.

4. Finance Comments

None

5. Legal Comments

The legal implications are set out within the report.

6. Links to Corporate Aims

As an update report there are no links to specific corporate aims. However if the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy.

7. Environmental and Community Safety Implications

None identified.

8. Equalities Impact

Not required.

9. Risk Management

No risk identified.

10. Partnership Implications (if any)

None identified.

11. Recommendations

That the report be noted.

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Licensing Act 2003

Licences Issued and Notices Given

Premises Licences	387
Club Premises Certificates	30
Personal Licences	1013
Temporary Event Notices	1871

Applications Received and Notices Given

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Grant of a Premises Licence	2	3	1	4	2
Variation of a Premises Licence	0	0	1	2	0
Transfer of a Premises Licence	2	8	4	5	0
Change of Designated Premises Supervisor	5	8	6	8	8
Minor Variations	1	3	0	0	0
Grant of a Personal Licence	7	12	9	15	5
Temporary Event Notices given	45	23	35	23	25

Gambling Act 2005

Licences Issued and Notices Given

Club Machine Permit	8
Licensed Premises Gaming Machine Permits	6
Occasional Use Notices	13
Premises Licences	17
Prize Gaming Permits	17
Society Lotteries	188
Temporary Use Notices	0
Unlicensed Family Entertainment Centres	2
Notification of 2 or less Gaming Machines	59

Applications Received and Notices Given

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Applications for a Permit	0	0	0	0	0
Application for a Licence	0	1	1	0	0
Notification of Intent to have Gaming Machines	0	0	0	0	0
Occasional Use Notice	0	0	0	0	0

Taxis

Licences Issued

Hackney Carriages	169
Private Hire Vehicles	29
Hackney Carriage & Private Hire Drivers	242
Private Hire Operators	27

Applications Received

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Hackney Carriage Licence (including renewals, transfers and vehicle changes)	12	11	18	13	18
Hackney Carriage & Private Hire Drivers Licence (including renewals)	11	11	20	24	17
Private Hire Vehicle Licence	3	1	3	2	3
Private Hire Operator Licence	3	1	4	1	1

Street Trading

Consents & Permits Issued

Street Trading Consents 46

Pavement Café Permits 16

Applications Received

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
New Consents	1	1	1	2	3

Animal Licensing

Licences Issued

Zoo Licences	0
Pet Shop Licences	13
Dog Breeding Licence	3
Animal Boarding Licence	13
Riding Establishment Licences	10
Dangerous Wild Animal Licences	2

Applications Received

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Zoo Licences (including renewals)	0	0	0	0	0
Pet Shop Licences (including renewals)	0	0	0	0	1
Dog Breeding Licence (including renewals)	1	0	0	0	0
Animal Boarding Licence (including renewals)	0	0	0	1	0
Riding Establishment Licences (including renewals)	1	0	0	0	0
Dangerous Wild Animal Licences	0	0	0	0	0

Other Licensing

Licences, Registrations and Permits Issued

Caravan Site Licences	42
House to House Collection Permit	84
Motor Salvage Operator	4
Scrap Metal Dealer Registration	18
Sex Shop Licences	2
Skin Piercing Registrations	260
Street Collection Permits	246

Applications Received

	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11
Caravan Site Licences	0	0	0	0	0
House to House Collection Permit	2	2	3	3	1
Motor Salvage Operator	0	0	0	0	0
Scrap Metal Dealer Registration	1	0	0	1	0
Sex Shop Licences	1	0	0	0	0
Skin Piercing Registrations	0	0	0	2	0
Street Collection Permits	2	3	7	7	5



