

Taunton Deane Borough Council

Licensing Committee – 6 March 2013

Licensing Update Report

Report of the Licensing Officer

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

1. Executive Summary

This 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

3.1 Licensing Act 2003

Application numbers have remained high over the last quarter. January has seen a big increase in the number of Temporary Event Notices (TENs) received, with an increase of 20 from the previous year. We believe event organisers and community groups are planning their events further in advance than in previous years and this may be down to experience they have gathered from 2012's big events like the Queen's Diamond Jubilee and Olympics. The total numbers of licences issued and notices given up to the end of January 2013 are set out in **Appendix 1**.

3.2 Ian Carter will be giving a verbal presentation to the Committee on the subject of Cumulative Impact Policies.

3.3 Gambling Act 2005

There was little change in the numbers of Permits, Registrations and Licences held with Taunton Deane. The total numbers of permits, registrations, notices and licences given up to the end of January 2013 are set out in **Appendix 2**.

3.4 Taxis

The number of applications, including renewals, for all Hackney Carriage and Private Hire related licences has stayed fairly similar to the same period in 2011 and 2012. December and January saw slightly more Hackney Carriage/Private Hire vehicle licences being granted and renewed than in the previous year, however the total number of licensed drivers, being 237, is lower than at this point in the previous year

when it was 251. The total numbers of Licences issued and applications received up to the end of January 2013 are set out in **Appendix 3.**

3.5 Taxi Forum

The 6th Taxi Forum was arranged for the Wednesday the 6th of March. The committee will be provided with a verbal update on outcomes of this meeting.

3.6 Street Trading & Pavement Cafes

There has been very little change in the number of street trading consents and pavement café permits within the Borough. The total number of permits and licences issued up to the end of January 2013 are set out in **Appendix 4.**

3.7 Project Regen

Olivia Denis will be giving a verbal update to the Committee on Project Regen.

3.8 Animal Welfare Licensing

There has been little change in the number of Licences held within the Borough. The total numbers of licences consents and permits issued up to the end of October 2012 are set out in **Appendix 5.**

3.9 Other Licensing

There has been a big increase in the number of Scrap Metal Dealer registrations compared with the same period last year. This can be attributed to Operation Tornado, a scheme run nationally by the Police which was aimed at targeting metal theft.

3.10 Permits and Licences issued for Caravan Sites, Motor Salvage Operators, Sex Shops and for charitable collections have remained similar to the same period in 2011 and 2012. The total numbers of licences, registrations and permits issued up to the end of January 2013 are set out in **Appendix 6.**

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.

Contact:

John Rendell, Licensing Officer

Tel: 01823 356343

E-mail: j.rendell@tauntondeane.gov.uk

Licensing Act 2003Licences Issued and Notices Given

Premises Licences	402
Club Premises Certificates	30
Personal Licences	675
Temporary Event Notices	2258

Applications Received and Notices Given

	November		December		January	
	2011	2012	2011	2012	2012	2013
Grant of a Premises Licence	2	0	3	2	1	1
Grant of Club Premises Certificate	0	1	0	0	0	0
Variation of a Premises Licence	0	0	0	0	0	0
Transfer of a Premises Licence	4	3	1	2	3	3
Change of Designated Premises Supervisor	7	8	4	5	6	6
Minor Variations	1	0	0	1	1	1
Grant of a Personal Licence	10	7	7	8	5	6
Temporary Event Notices given	26	28	6	11	25	45

Gambling Act 2005Licences Issued and Notices Given

Club Machine Permit	8
Licensed Premises Gaming Machine Permits	7
Occasional Use Notices	19
Premises Licences	17

Prize Gaming Permits	0
Society Lotteries	204
Temporary Use Notices	0
Unlicensed Family Entertainment Centres	4
Notification of 2 or less Gaming Machines	60

Applications Received and Notices Given

	November		December		January	
	2011	2012	2011	2012	2012	2013
Applications for a Permit	0	0	0	0	0	0
Application for a Licence	2	0	0	0	0	0
Notification of Intent to have Gaming Machines	0	0	0	0	0	1
Occasional Use Notice	0	0	0	0	4	0
Lottery registration	3	2	0	0	0	2

TaxisLicences Issued

Hackney Carriages	163
Private Hire Vehicles	31
Hackney Carriage & Private Hire Drivers	237
Private Hire Operators	29

Applications Received

	November		December		January	
	2011	2012	2011	2012	2012	2013
Hackney Carriage Licence (including renewals,	11	10	5	10	6	7
Hackney Carriage & Private Hire Drivers Licence	22	18	10	14	11	14
Private Hire Vehicle Licence	2	3	2	1	2	2
Private Hire Operator Licence	0	1	0	0	1	1

Street TradingConsents & Permits Issued

Street Trading Consents	44
Pavement Café Permits	16

Applications Received

	November		December		January	
	2011	2012	2011	2012	2012	2013
New Consents	3	2	0	1	0	0
New pavement café permits	0	0	2	1	0	0

Animal Licensing

Licences Issued

Zoo Licences	0
Pet Shop Licences	13
Dog Breeding Licence	2
Animal Boarding Licence	12
Riding Establishment Licences	10
Dangerous Wild Animal Licences	1

Applications Received

	November		December		January	
	2011	2012	2011	2012	2012	2013
Zoo Licences (including renewals)	0	0	0	0	0	0
Pet Shop Licences (including renewals)	3	4	1	1	2	0
Dog Breeding Licence (including renewals)	0	1	1	0	0	0
Animal Boarding Licence (including renewals)	1	5	8	4	2	0
Riding Establishment Licences (including	3	0	3	5	1	0
Dangerous Wild Animal Licences	0	0	0	0	0	0

Other Licensing

Licences, Registrations and Permits Issued

Caravan Site Licences	42
House to House Collection Permit	101
Motor Salvage Operator	6
Scrap Metal Dealer Registration	31
Sex Shop Licences	2
Skin Piercing Registrations	198
Street Collection Permits	251

Applications Received

	November		December		January	
	2011	2012	2011	2012	2012	2013
Caravan Site Licences	0	0	0	0	0	0
House to House Collection Permit	6	7	4	2	0	1
Motor Salvage Operator	0	0	0	0	0	1
Scrap Metal Dealer Registration	1	1	0	9	0	3
Sex Shop Licences	1	0	0	0	0	0
Skin Piercing Registrations	2	0	1	2	0	0
Street Collection Permits	6	9	8	3	4	1

Appendix 6

A request was received from Councillor Coles, Vice Chair of this Committee for consideration to be given to the inclusion of a Cumulative Impact Policy within the Council's Statement of Licensing Policy. This update report sets out for Members what Cumulative Impact is and provides information on the current situation within Taunton Deane.

What is Cumulative Impact?

"Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. It is not mentioned specifically in the 2003 Act only within the Guidance issued under Section 182. It is recognition of the fact that in some areas, where the number, type or density of premises selling alcohol is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises.

These problems are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

What is a Cumulative Impact Policy?

A Cumulative Impact Policy introduces a rebuttable presumption that all new licence applications and variations in that area will normally be refused if the licensing authority receives a relevant representation stating that the application will add to the cumulative impact. However each application must still be considered on its own merits and the licensing authority may still grant the application if it is satisfied that the application will not contribute to the cumulative impact.

How is the need for a Cumulative Impact Policy established?

The guidance issued under the Licensing Act 2003 requires that there is an evidential basis for introduction of a cumulative impact policy and sets out 5 steps that must be followed.

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

What other measures exist to control Cumulative Impact?

The adoption of a cumulative impact policy is not always necessary or the best solution and the guidance indicates other measures that can be used to positively support the licensing objectives including

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs). See Chapter 16.

Current situation within Taunton Deane

The current situation within Taunton Deane is that although there are sporadic concerns expressed to the Licensing Department regarding potential negative impact on the Licensing Objectives no clear evidence of a consistent pattern within a particular area can be established. Furthermore through liaison with partner agencies, insufficient evidence of crime & disorder or nuisance exists that would clearly identify boundaries of an area where problems are being caused by the customers of licensed premises to such a degree as would warrant the implementing of a cumulative impact policy.

With support from partner agencies the Licensing Team are actively pursuing the application of other measures, most prominent being the use of education and mediation, to limit detrimental impact on the licensing objectives within the area.

Conclusion

Overall in the opinion of the Licensing Manager there are no areas within the district where the number, type or density of premises selling alcohol is high or exceptional and pleasingly at the present time no evidence of serious problems of nuisance and disorder has been identified.

In view of this, as Licensing Manager I do not feel that the necessary evidential basis for a special policy could be established and the best way forward is the continuation of the current partnership approach of education and mediation across the Borough.

There are no indications that this approach will not continue to be successful however should monitoring of intelligence, statistics and concerns indicate otherwise a further report on this matter will be brought back to the Committee for consideration.