

# Taunton Deane Borough Council

## Licensing Committee – 15<sup>th</sup> November 2017

### Licensing Update report

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author : John Rendell, Licensing Manager

#### 1 Executive Summary

- 1.1 This report provides an update on the activities of the council's licensing service, changes to legislation, current consultations and other general licensing matters.

#### 2 Recommendations

- 2.1 That the report be noted.

#### 3 Risk Assessment

##### Risk Matrix

Description	Likelihood	Impact	Overall
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.	4	4	16
Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service.	3	4	12

### Risk Scoring Matrix

<b>Likelihood</b>	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
<b>Impact</b>							

<b>Likelihood of risk occurring</b>	<b>Indicator</b>	<b>Description (chance of occurrence)</b>
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

## 4 Background and Full details of the Report

### Staffing

- 4.1 The Licensing Manager, John Rendell, has moved over to the Accommodation Team to provide them with some interim support, in particular, to assist with the work involved in implementing the revised phasing plan of the refurbishment of Deane House.
- 4.2 Although the move is initially until the end of December, it is possible that it could be extended. Therefore, firm arrangements are to be put in place from Monday the 6<sup>th</sup> of November onwards, to ensure the Licensing team has the right support.
- 4.3 Scott Weetch, Community & Client Services Manager (John's line manager) is to assume responsibility for specialist tasks such as policy, delegated decisions and complaints. Meryken Then-Bergh, manager of Environmental Health Business Support (also line managed by Scott) will be responsible for the people management side of the role and will oversee team meetings, staff one to ones, sickness etc. The team will also take on further responsibility during this time and be lighter on specialist licensing knowledge, which will undoubtedly impact negatively on the performance of the service.

### Performance of the service

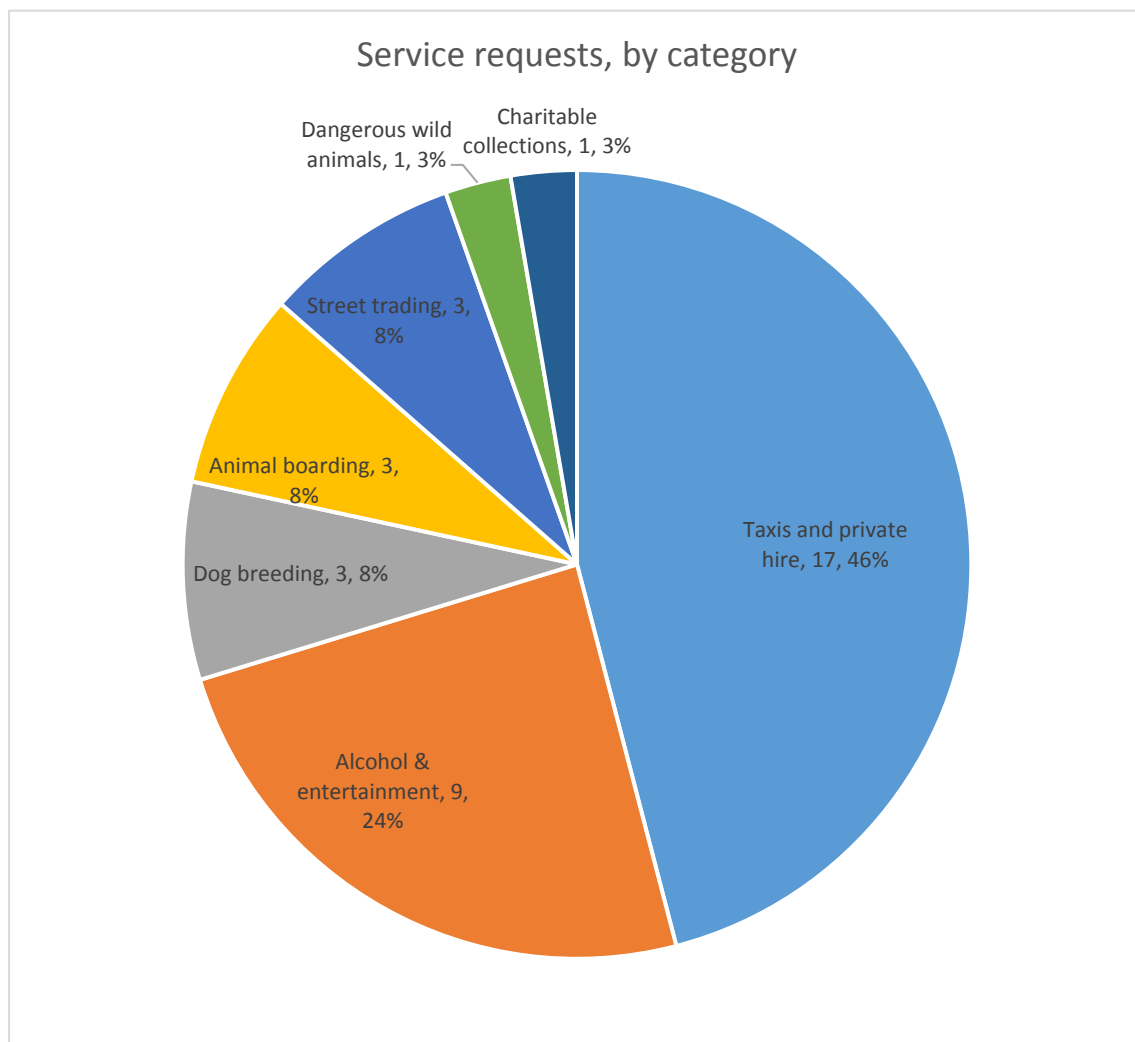
- 4.4 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined i.e. decision as to whether to grant the licence or not, has been reached. The target for the service is that, for all applications that are completed within a set quarter, 95% must be completed within 14 days of them being determined.
- 4.5 99.7% (362 out of 363) of all applications completed between the 1<sup>st</sup> of July and 30<sup>th</sup> September 2017 were completed within the 14 day timescale. This a marginal improvement of 0.4% from the previous quarter.
- 4.6 It is anticipated that performance will suffer as a result of the staffing changes described at paragraphs 4.1 to 4.3, although the team would hope to still achieve the target of 95%.

### Applications received and licences in force

- 4.7 The numbers of applications received for each of the regimes administered by the licensing service, between July and September 2017, are shown in comparison with those received for the period in the preceding two years at **Appendix A**. The numbers of licenses in force and notices given as of the 31<sup>st</sup> October 2017 are shown at **Appendix B**.
- 4.8 The number of taxi and private hire applications appears to have dropped significantly since 2015. However in 2015, the service was still receiving a number of applications from Bristol based drivers. Between July and September that year, there were 36 from applicants with 'BS' postcodes. During that period in 2016, there were 7 and in 2017, none. The downward trend in taxi and private hire application numbers would therefore appear to be a return to 'normal' levels.

### Service requests

- 4.9 Also shown at **Appendix A** are the numbers of service requests received between July and September 2017, compared with the previous two years.
- 4.10 Since 2015, the service has improved its record keeping, particularly with complaints and investigations, accounting for the low number of service requests recorded in 2015, but similar numbers recorded in 2016 and 2017.
- 4.11 38 service requests were received in total. A split, by category is shown below:



Frequent reports of unlicensed dog breeders

- 4.12 There continue to be regular allegations made about unlicensed dog breeders. As per the above graphic, there were 3 reports made between July and September and 4 reports in each of the two previous quarters.
- 4.13 A person is deemed to be operating a dog breeding establishment if, as per the definitions of the Breeding of Dogs Act 1973, as amended by the Breeding and Sale of Dogs (Welfare) Act 1999, they:
- a) Run a business which involves the breeding of dogs for sale; or
  - b) Any bitch or bitches they keep (or are kept by other persons but under a breeding arrangement with them), gives birth to five litters of puppies within a twelve month period.
- 4.14 So in effect, a person can breed up to four litters of puppies in a year and sell them, quite legitimately, unless they are deemed to be running a business. Whether someone is running a business or not can be difficult to ascertain and prove, since the term 'business' is not further defined in the Act and powers of entry into suspected unlicensed premises are reliant on a warrant issued by the courts; except where private dwellings are concerned and there are no powers of entry at all. The ineffective legislation and the proliferation of 'buy and sell' websites and social media pages has provided those looking to make quick money with a virtually anonymous marketplace where they can sell puppies with little trace.

- 4.15 Although the legislation is due to be reformed in October 2018, along with the other dated animal licensing Acts, Officers will be issuing a press release and distributing posters, to raise awareness of the licensing laws and encourage members of the public to only buy from reputable and licensed sources. A copy of the press release and poster is attached at **Appendix C**.

#### Taxi ranks

- 4.16 At the last meeting of the Licensing Committee and further to the decision not to impose a quantity restriction on the number of hackney carriages licensed in Taunton Deane, members requested that the service investigate whether there was the opportunity to designate any further taxi ranks in Taunton town centre.
- 4.17 Reference was made in particular to the 'unofficial' rank which forms on Bridge Street in Taunton (outside of Zinc nightclub) on Friday and Saturday nights and whether this could be formalised. This question was put directly to the Transport & Development Officer for Somerset County Council Highways.
- 4.18 It is understood that the Highways would have some difficulty since on that part of the carriageway, the road width is relatively narrow at 8 metres wide, which includes a cycle lane on both sides of the road. There is a bus stop on the opposite side of the road near Poundstretcher that impacts on road width and visibility too. To introduce a time restricted or permanent taxi rank at this location, Highways would need to consider vehicle movements from both directions and the safety of pedestrian and cyclists. Having taxis and buses parked at the same time would mean larger vehicles would cross the centre line to overtake and this could be dangerous.
- 4.19 They added that, for a new taxi rank to be considered on Bridge Street, alterations would have to be made to increase the width of the carriageway, reducing pavement width in the process. This process would involve an amendment to the current traffic restriction order (TRO) and the cost to carry out these works would be high, due to it needing significant civil works. The Transport & Development Officer believed that neither a time restricted or permanent rank at this location would be a viable option.
- 4.20 In terms of introducing new ranks in other locations in Taunton, this is a possibility as part of proposals which could see the pedestrianisation of three main streets in Taunton centre. The 'urban realm' project is part of the Taunton Town Centre Area Action Plan, adopted in October 2008. An 18 month pedestrianisation trial was planned for Autumn but has been put on hold until next year. Including the taxi ranks as part of this project seems much more realistic but clearly there are no timescales at this stage.

#### Street trading consent for Taunton Town centre

- 4.21 The service has recently issued a street trading consent to the Business Development department of the Council, in order to reduce 'red tape' and help the Council improve the quality and variety of street trading in Taunton town centre.
- 4.22 Licensing Officers have already been working closely with Business Development to create a quality, vibrant and dynamic economic environment in Taunton town centre but both have found the street trader licensing process to be a barrier to encouraging new businesses and activities. This is due to the consultation timescales involved in the application process, little choice in the length of consents available to applicants and there being no ability to amend or vary a consent once it is issued (forcing people to have to make new applications, at further cost and delay).

- 4.23 Now that Business Development holds its own consent, these barriers have been massively reduced. The team based within the Market House are on the ground and are more able to respond to business enquiries and requests. The consent includes designated areas within the town which are either already used for pitches or are likely to be used in the future; whether that be for individual traders, markets or events which involve trading in some way. Attached at **Appendix D** is the map associated with the consent, showing the designated trading areas used and available for use.
- 4.24 The consent application, submitted in July, followed the same consultation process as any other, with the Police, Somerset County Council Highways and Planning given the opportunity to make representations. No representations were made and the consent was issued in August. Business Development now issues permits of their own to those wishing to trade. Those already trading in the town have had their existing permissions/terms and conditions transferred over.

## **5 Links to Corporate Aims / Priorities**

- 5.1 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 enable cultural and leisure activities, thereby supporting the Council's growth agenda.
- 5.2 The issuing of the street trading consent to Business Development, described at paragraphs 4.21 to 4.24, supports two 'key issues' identified in the corporate strategy:
- Support business start-ups and expansion within the Deane;
  - Ensure our high streets are clean and attractive places to visit.

## **6 Finance / Resource Implications**

- 6.1 Where legislation allows for cost recovery, licence fees are levied against the administration of the regime and the supervision of licences issued. It would be unlawful to deliberately set the fees to make a profit and any over (or under) recovery is redressed in future fee levels.
- 6.2 The issuing of the street trading consent to Business Development will reduce the workload of the service and therefore the service can expect to recover around £8,352 less in street trading fee income each year (based on the current fee to apply for a one year consent, £696). This has been reported to Finance and has been included in the medium term financial plan.

## **7 Legal Implications**

- 7.1 No legal implications identified.

## **8 Environmental Impact Implications (if any)**

- 8.1 There are no specific environmental impact implications identified as a result of this report.

## **9 Safeguarding and/or Community Safety Implications (if any)**

- 9.1 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 community safety.

## **10 Equality and Diversity Implications (if any)**

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

## **11 Social Value Implications**

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

## **12 Partnership Implications**

12.1 No partnership implications were identified.

## **13 Health and Wellbeing Implications**

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

## **14 Asset Management Implications**

14.1 No asset management implications were identified.

## **15 Consultation Implications**

15.1 No consultation implications were identified.

## **16 Scrutiny Comments**

16.1 There are no scrutiny comments or recommendations.

## **Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**

- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency :     Once only     Ad-hoc    X Quarterly  
     Twice-yearly             Annually

**List of Appendices**

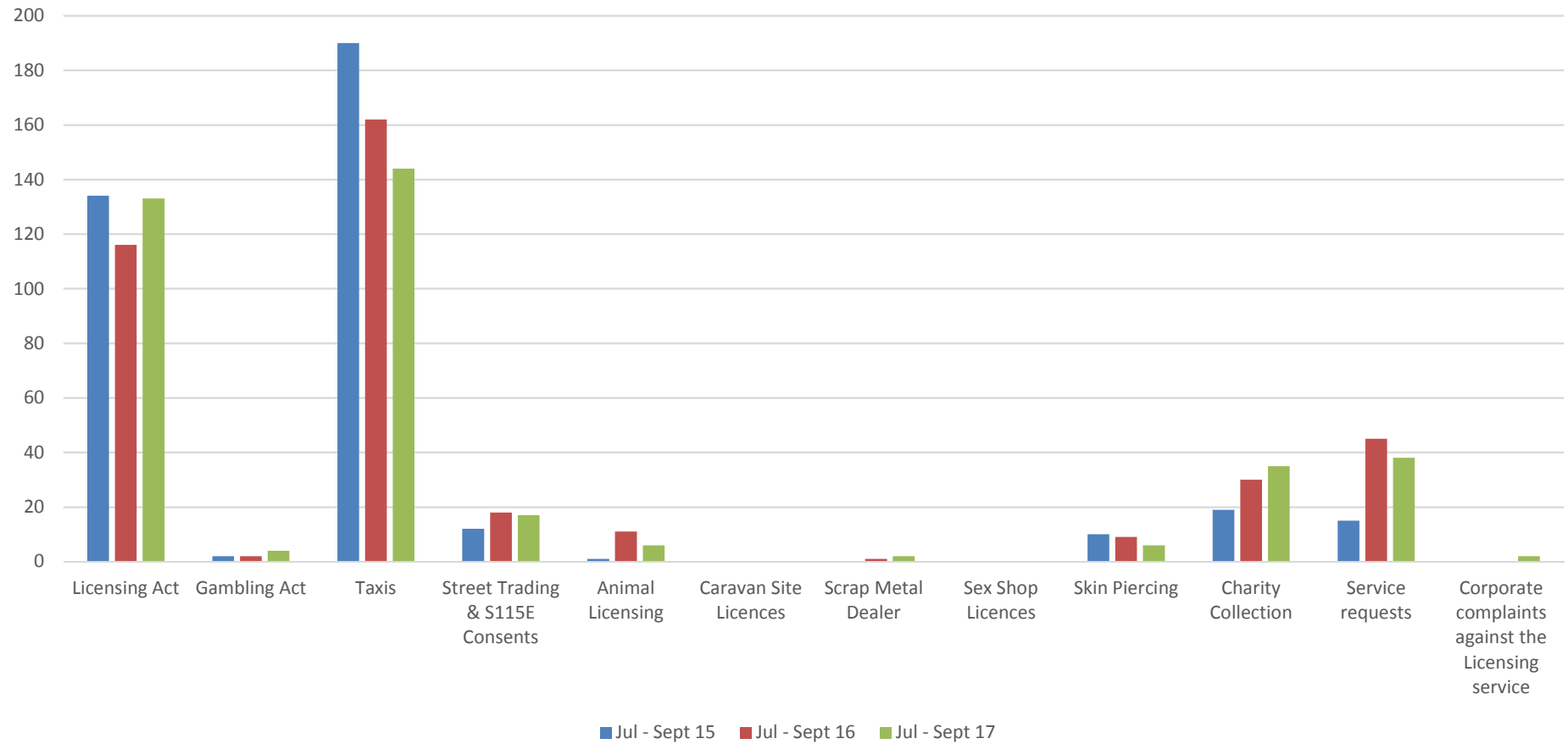
Appendix A	Applications received, notices given, service requests and complaints
Appendix B	Licences issued and notices given
Appendix C	News release – advice for dog owners and buyers
Appendix D	Taunton town centre street trading consent: areas covered

**Contact Officers**

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### Applications Received, Notices Given, Service Requests and Complaints



### **Licences Issued and Notices Given**

These figures show the number of licences in force at the 31st October 2017 and the number of notices given since commencement of the relevant legislation

	<b>Total</b>	<b>Difference from previous committee +/-</b>
Licensing Act 2003 Premises Licences	420	1
Licensing Act 2003 Club Premises Certificates	27	0
Licensing Act 2003 Personal Licences	1462	7
Licensing Act 2003 Temporary Event Notices	3841	42
Gambling Act 2005 Club Machine Permit	7	0
Gambling Act 2005 Licensed Premises Gaming Machine Permits	10	0
Gambling Act 2005 Occasional Use Notices	43	0
Gambling Act 2005 Premises Licences	16	2
Gambling Act 2005 Prize Gaming Permits	0	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	119	1
Gambling Act 2005 Temporary Use Notices	0	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	4	1
Gambling Act 2005 Notification of 2 or less Gaming Machines	63	2
Hackney Carriages	197	4
Private Hire Vehicles	39	3
Hackney Carriage & Private Hire Drivers	249	3
Private Hire Operators	26	2
Street Trading Consents	20	-3
Section 115E (Pavement Café) Permits	7	0
Zoo Licences	0	0
Pet Shop Licences	4	0
Dog Breeding Licence	6	1
Animal Boarding Licence	23	2
Riding Establishment Licences	9	-1
Dangerous Wild Animal Licences	0	0
Caravan Site Licences	43	1
Scrap Metal Dealer licence	8	2
Sex Shop Licences	1	1
Skin Piercing Registrations	275	3
Street Collection Permits	328	1
House to House Collection Permit	136	1



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## News Release

30 October 2017

### Advice for dog owners and buyers

Are you planning to use boarding kennels or thinking of buying a puppy? Licensing officers working for Taunton Deane Borough and West Somerset Council are issuing this advice as new legislation on dog breeding and dog boarding is about to be introduced.

- Anyone looking to buy a new puppy is being strongly advised to make sure they purchase the pooch from a licensed breeder.
- Commercial dog breeding and boarding both require licences – and pet owners – and would-be owners - are being urged to make sure they check before they make any commitment.
- A licence will make sure that minimum standards relating to the care and welfare of the animals are maintained.

“We are sure people would want the assurance that if they are planning to board their much-loved pet in kennels, their dog will be cared for in premises and by the kennel staff that have been checked by the council,” said a spokesman for the authorities.

“When buying a puppy, It’s important to know that it has come from a licensed breeder and that your council has checked out the premises and and the breeder. We have all read about the horrors of puppy farms so our advice is to check out the backgrounds and the licence.”

Licensing officers have compiled a concise guide to show when licences are required by breeders or boarders and these are available on request from the team.

Anyone concerned about boarding establishments or about breeders is encouraged to contact the licensing team by phone 01823 356343 email [licensing@tauntondeane.gov.uk](mailto:licensing@tauntondeane.gov.uk) or via the councils’ websites: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) or [www.westsomersetonline.gov.uk](http://www.westsomersetonline.gov.uk)

ENDS

Released jointly on behalf of Taunton Deane Borough Council and West Somerset Council

**Contact:**

- Debbie Rundle Media & Communications officer 01823 356407 or 01984 635280

For more information about Taunton Deane services visit [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)  
For more information on West Somerset services visit: [www.westsomersetonline.gov.uk](http://www.westsomersetonline.gov.uk)



## Thinking of buying a puppy?

### Buy with confidence, from licensed breeders.

Anyone who breeds 5 or more litters of puppies in a 12 month period, with a view to selling them, requires a 'dog breeding' licence from the Council, in accordance with the Breeding of Dogs Act 1973; irrespective of whether they are bred in a home or commercial premises. The same applies to anyone who operates a puppy selling business, regardless of the number of litters or puppies their bitches have.

People who breed and sell puppies without a licence (where one is required) break the law and can be prosecuted. If you buy from an unlicensed breeder, there is no guarantee that the puppy you take home has been kept in conditions which meet the standards a licensed breeder has to comply with, which will have been checked by a Licensing Officer and vet. Puppies kept in poor conditions are more likely to suffer from common, preventable, infectious diseases, painful or chronic inherited conditions, behavioural issues and shorter life spans.

Before you buy a puppy, check the breeder is properly licensed by visiting our 'licensed animal businesses' webpage on our website; [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) or contact the Licensing Team on 01823 356343 for more information.

# Taunton town centre street trading consent: areas covered

