

# Taunton Deane Borough Council

## Licensing Committee – 22 February 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

### Performance of the service

- 4.1 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined e.g. a licence is issued after a 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.
- 4.2 95% of all applications completed between the 1<sup>st</sup> of October and 31<sup>st</sup> of December 2016 were completed within the 14 day timescale. This is the second consecutive quarter that the service has achieved its target, following five unsuccessful quarters.
- 4.3 The performance of the service over the last quarter is especially pleasing given a reduction in staffing levels during the period, as explained below.

### Staffing

- 4.4 As reported in the last update report licensing committee, Licensing Officer Olivia Denis departed the team on the 5<sup>th</sup> of October. She was followed by Licensing Assistant Sally

Attfield on the 9<sup>th</sup> of December.

- 4.5 After a lengthy recruitment process, Fern Avis and Bradley Fear were appointed to the vacant Licensing Officer and Licensing Assistant posts respectively. Both joined in January and have made promising starts to their careers in Licensing.

Applications received and licences in force

- 4.6 The numbers of applications received for each of the regimes administered by the licensing service, between October and December 2016, 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 6 February 2016 are shown at **Appendix B**.

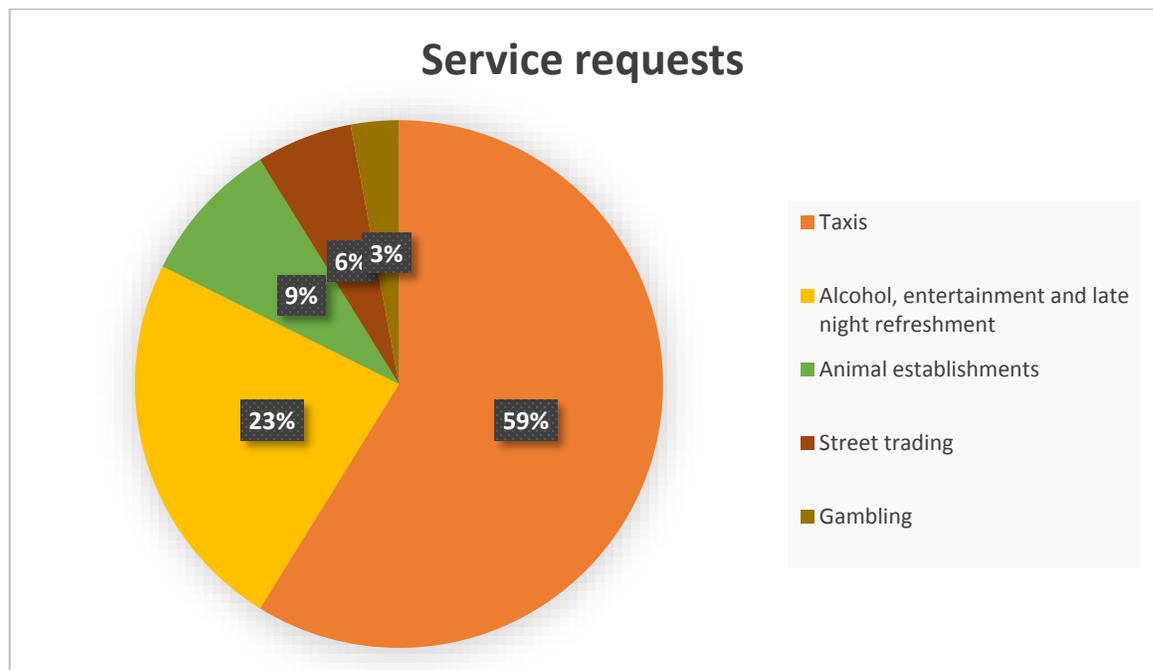
- 4.7 Across the board, application numbers in 2016 remain broadly similar when compared with 2014 and 2015. There has been a gentle increase in the number of Licensing Act 2003 applications and notices received over the three year period but, having looked more closely at the total number for each application and notice type, there are no clear trends that can be identified.

Service requests

- 4.8 Also shown at **Appendix A** are the numbers of service requests received between October and December 2016, compared with the previous two years.

- 4.9 Generally speaking, there are more service requests recorded in 2015 and 2016, due to improved record keeping.

- 4.10 34 service requests were received in total. A split, by category is represented below:



Out of area hackney carriage and private hire drivers

- 4.11 Members of the committee will be familiar with the problems the service has experienced with hackney carriage (taxi) and private hire vehicle drivers operating outside of the area

but in particular, in the city of Bristol.

- 4.12 There are currently 16 individuals registered to Bristol addresses that still hold driver licences, which is four less since the last report to the licensing committee. There are six ongoing service requests/investigations into complaints, which relate to four of the 16 aforementioned individuals.
- 4.13 Although the 'out of area driver' policy introduced in August 2015 played a massive part in addressing the problem, there are plans to expand the 'knowledge and suitability interview', which prospective drivers sit, to include a test on their geographical knowledge. It is hoped that this will well and truly prevent the problem from returning.

#### Changes to the licensing of dog breeders

- 4.14 The Department for Environment, Food & Rural Affairs (DEFRA) has announced plans to tighten up dog breeding licensing legislation.
- 4.15 Under current rules, any person that sells five or more litters of puppies in a year needs a licence, as do businesses. Under the plans, it is proposed to reduce the limit to three or more litters per year. In addition, it will be completely illegal to sell puppies younger than eight weeks.
- 4.16 The new rules will mean smaller establishments; sometimes called 'backstreet breeders', which supply thousands of dogs to families each year, as well as larger commercial breeders, must meet strict welfare criteria to get a licence. Irresponsible breeders can neglect the health and welfare of the puppies they raise and may not properly vaccinate them, leading to steep vets' bills and heartbreak for buyers.
- 4.17 The rules will also be updated and made fit for the modern age with anyone trading commercially in pets online needing to be properly licensed, to help make reputable sellers easily accessible to prospective buyers.
- 4.18 Those who do not adhere to the new rules face tougher penalties in the form of an unlimited fine and/or up to six months in prison. This is up from the current penalties of a fine of £2,500 and/or up to three months in prison.
- 4.19 It is anticipated that the above changes will coincide with the modernisation of the other animal licensing regimes, concerning riding establishments, pet shops, dangerous wild animals, zoos and animal boarders.

#### Policing and Crime Act 2017

- 4.20 The Policing and Crime Bill received Royal Assent on Monday 31<sup>st</sup> January 2017. Within the Act are a number of proposed changes to licensing legislation, specifically the Licensing Act 2003; the Act which regulates alcohol, entertainment and late night refreshment.
- 4.21 There are particular changes which will affect personal alcohol licences. Under current rules, licence holders are required to notify the courts when they are convicted of a 'relevant offence', with the purpose being that the courts can then decide if the licence should be suspended or forfeited. In practice, this rarely happens and licensing authorities have been, until now, powerless to take action of their own. The 2017 Act will allow licensing authorities to suspend or revoke a personal licence where they become aware that the holder has been convicted of a relevant offence or is required to pay an

immigration penalty.

4.22 In addition to the above, the list of relevant offences; which already includes offences involving alcohol, drugs, violence and psychoactive substances; has been expanded to include the following:

- Using someone to mind a weapon;
- Manufacture, import and sale of realistic imitation firearms;
- Offences listed under section 41 of the Counter Terrorism Act 2014, which includes encouragement of terrorism, preparation and training for terrorism;
- An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences), which includes kidnapping, false imprisonment and threats to kill.

4.23 Full details can be read online at:

- <http://www.legislation.gov.uk/ukpga/2017/3/part/7/enacted>

## **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.

## **6 Finance / Resource Implications**

6.1 No finance or resource implications identified.

## **7 Legal Implications (if any)**

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** (if any)

11.1 No social value implications have been identified.

**12 Partnership Implications** (if any)

12.1 No partnership implications were identified.

**13 Health and Wellbeing Implications** (if any)

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

**14 Asset Management Implications** (if any)

14.1 No asset management implications were identified.

**15 Consultation Implications** (if any)

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  Quarterly

Twice-yearly  Annually

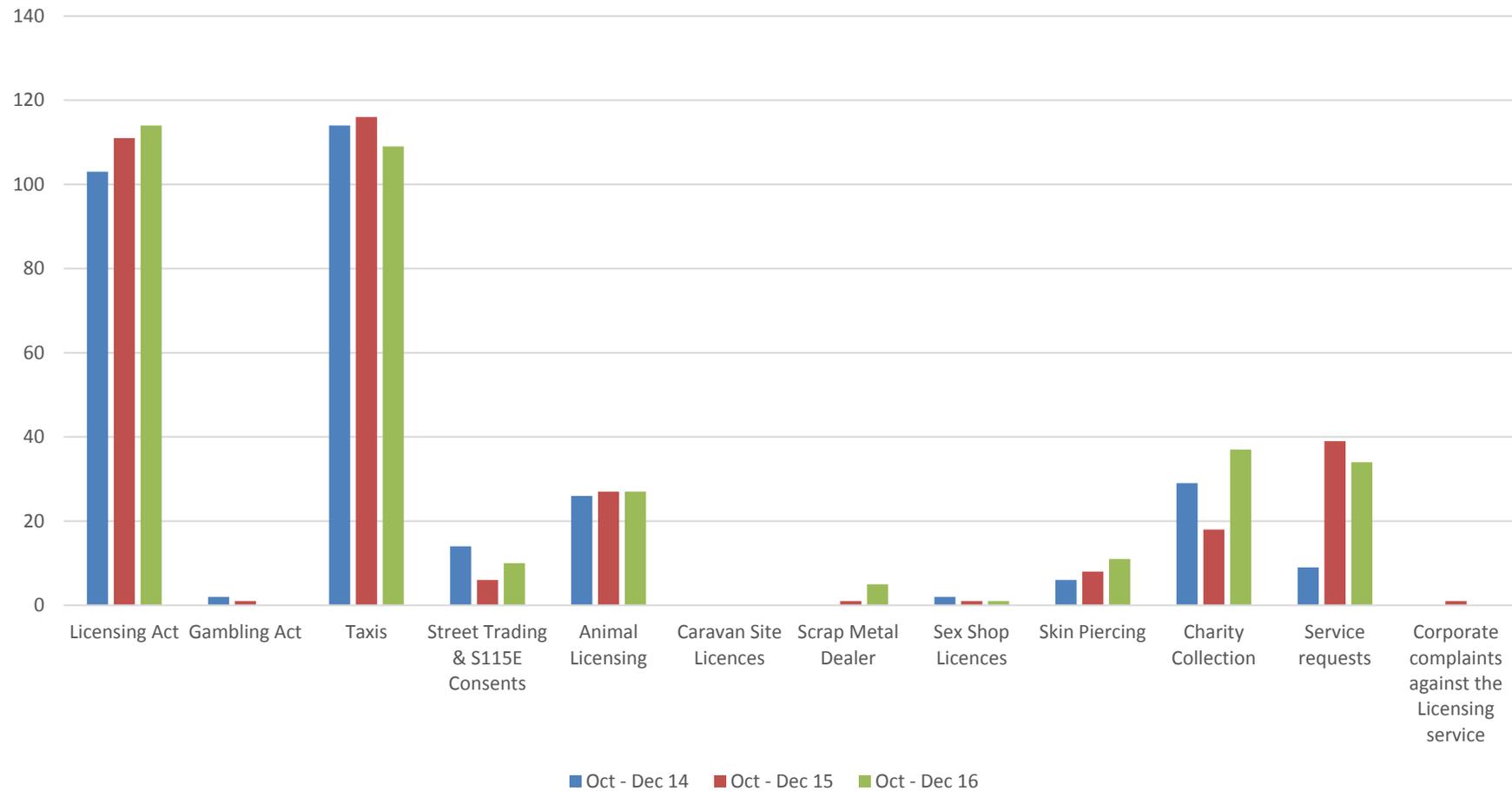
## List of Appendices

Appendix A	Applications received, notices given, service requests and complaints
Appendix B	Licences issued and notices given

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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 6th February 2017 and the

Licensing Act 2003 Premises Licences	409
Licensing Act 2003 Club Premises Certificates	29
Licensing Act 2003 Personal Licences	1406
Licensing Act 2003 Temporary Event Notices	3571
Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	10
Gambling Act 2005 Occasional Use Notices	41
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries	111 (since 01/09/2007)
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	193
Private Hire Vehicles	38
Hackney Carriage & Private Hire Drivers	248
Private Hire Operators	20
Street Trading Consents	21
Section 115E (Pavement Café) Permits	5
Zoo Licences	0
Pet Shop Licences	3
Dog Breeding Licence	4
Animal Boarding Licence	22
Riding Establishment Licences	10
Dangerous Wild Animal Licences	0
Caravan Site Licences	42
Scrap Metal Dealer licence	4
Sex Shop Licences	1
Skin Piercing Registrations	257
Street Collection Permits	319
House to House Collection Permit	130