

Taunton Deane Borough Council

Licensing Committee – 6 October 2010

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 The total numbers of licences issued and notices given at the end August 2010 are set out in Appendix 1.
- 3.2 Two Licensing Sub Committees have been held since the date of the last Committee. The first on 21 July 2010 considered the application for a review of the premises licence held by Dellers Nightclub. Mediation between the parties to the application resulted in an agreed position being put before the Committee who resolved to amend the licence by the imposition of additional conditions.
- 3.3 The second Committee on 3 August 2010 considered an application for the grant of a new premises licence at Tone Dale Mill. The Committee resolved to approve the premises licence subject to conditions.
- 3.4 On 28 July 2010 the Home Office conducted a consultation on government plans to overhaul the current licensing regime, in order to give more power to local authorities and Police. The consultation entitled 'Rebalancing the Licensing Act' - a consultation on empowering individuals, families and local communities to shape and determine local

licensing closed on 8 September 2010. Respondents were limited to commenting on what the implications of implementing the proposals will be, rather than views on the proposals themselves.

- 3.5 The Licensing Manager and Licensing Chairman compiled a response to the consultation that has been returned to the Home Office. The response was broadly in support of the proposals but questioned the suitability of some of the approaches.
- 3.6 At the time of the consultation it was anticipated that the proposals would be implemented in the very near future. However the government have now stated that the proposals will not be introduced until 2012 at the very earliest. A further report detailing any changes to the Licensing Act will be presented to Committee at the appropriate time.
- 3.7 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.

Gambling Act 2005

- 3.8 The total numbers of licences issued and notices given at the end of the last quarter are set out in Appendix 2.
- 3.9 All applications and notices decided since the date of last Committee have been determined without the need for a formal hearing to take place.

Taxis

- 3.10 The total numbers of Licences issued at the end of the last quarter are set out in Appendix 3.
- 3.11 All applications decided since the date of last Committee have been determined without the need for a formal hearing to take place.
- 3.12 Following the request from Committee, a consultation has been undertaken with all licensed drivers and operators over the provision of Taxi Ranks.
- 3.13 A meeting has been held with the County Council's Highway Authority to discuss the suggestions of the trade. At the time of the meeting uncertainty still existed over the proposed traffic measures for the town.

Taxi Forum

- 3.14 In response to a request from the trade a Taxi Forum has been set up. 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.
- 3.15 At the time of writing, the first forum has not yet been held. It is scheduled to take place on 28 September 2010 and a verbal report regarding it will be presented to the Committee.

Street Trading & Pavement Cafes

- 3.16 The total number of permits and licences issued and notices given at the end of the last quarter are set out in Appendix 4.
- 3.17 All applications decided since the date of last Committee have been determined without the need for a formal hearing to take place.
- 3.18 Licensing Officers have been involved in consultation to secure a regular presence of the Farmers Market in Wellington. The Farmers Market is currently being licensed by means of temporary Street Trading Consents.

Animal Licensing

- 3.19 The total numbers of licences consents and permits issued at the end of the last quarter are set out in Appendix 5.
- 3.20 All applications decided since the date of last Committee have been determined without the need for a formal hearing to take place.

Other Licensing

- 3.21 The total number of licences, consents, registrations and permits issued at the end of the last quarter are set out in Appendix 6.
- 3.22 All applications and notices decided since the date of last Committee have been determined without the need for a formal hearing to take place.

Sexual Entertainment Venues

- 3.23 Section 27 of the Policing and Crime Act 2009 has amended the Local Government (Miscellaneous Provisions) Act 1982 by introducing a new category of sex establishment called 'sexual entertainment venue'. This amendment allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act as is currently the case with sex shops and sex cinemas.
- 3.24 A report recommending that Taunton Deane adopt the amendment to the Local Government Miscellaneous Provisions Act is being considered by Council at its meeting on 5 October 2010. A verbal report on the resolution of Council will be presented at the meeting.

General Information

- 3.25 The Licensing Team have now relocated from Flook House to Room 235 in Deane House. Contact details for the team remain unchanged.

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

	Total up to the end of Aug-10
Premises Licences	392
Club Premises Certificates	30
Personal Licences	923
Temporary Event Notices	1,441

Applications Received and Notices Given

	Apr-10	May-10	Jun-10	Jul-10	Aug-10
Grant of a Premises Licence	3	0	4	2	2
Variation of a Premises Licence	0	2	1	2	1
Transfer of a Premises Licence	5	3	2	2	7
Change of Designated Premises Supervisor	9	13	6	4	9
Minor Variations	0	0	1	1	0
Grant of a Personal Licences	9	3	5	10	5
Temporary Event Notices given	26	31	46	27	20

Gambling Act 2005

Licences Issued and Notices Given

	Total up to the end of Aug-10
Club Machine Permit	8
Licensed Premises Gaming Machine Permits	6
Occasional Use Notices	7
Premises Licences	15
Prize Gaming Permits	0
Society Lotteries	195
Temporary Use Notices	0

Applications Received and Notices Given

	Apr-10	May-10	Jun-10	Jul-10	Aug-10
Applications for a Permit	1	0	3	0	2
Application for a Licence	0	0	1	0	0
Notification of Intent to have Gaming Machines	0	0	0	0	1
Occasional Use Notices	0	2	0	0	1

Taxis

Licences Issued

	Total up to the end of Aug-10
Hackney Carriages	160
Private Hire Vehicles	29
Hackney Carriage & Private Hire Drivers	248
Private Hire Operators	28

Applications Received

	Apr-10	May-10	Jun-10	Jul-10	Aug-10
Hackney Carriage Licence (including renewals, transfers & vehicle changes)	26	10	13	17	11
Hackney Carriage & Private Hire Drivers Licence (including renewals)	10	5	3	18	8
Private Hire Vehicle Licence (including renewals)	0	2	3	1	2
Private Hire Operators Licence	6	0	3	2	1

Street Trading

Consents & Permits Issued

	Total up to the end of	Aug-10
Street Trading Consents		40
Pavement Café Permits		15

Applications Received

	Apr-10	May-10	Jun-10	Jul-10	Aug-10
New Consents	2	5	1	1	1
Renewals	9	1	1	0	0

Animal Licensing

Licences Issued

	Total up to the end of Aug-10
Zoo Licences	0
Pet shop licences	14
Dog Breeding Licence	2
Home Boarding Licence	13
Riding Establishment Licences	8
Dangerous Wild Animal Licences	1

Applications Received

	Apr-10	May-10	Jun-10	Jul-10	Aug-10
Zoo Licence (including renewals)	0	0	0	0	0
Pet Shop Licences (including renewals)	0	0	0	0	0
Dog Breeding Licence (including renewals)	0	0	0	0	0
Home Boarding Licence (including renewals)	0	1	0	0	0
Riding Establishment Licences (including renewals)	1	0	0	0	0
Dangerous Wild Animal Licences (including renewals)	0	1	0	0	0

Other Licensing

Licences, Registrations & Permits Issued

	Total up to the end of Aug-10
Caravan Site Licences	43
House to House Collection Permit	66
Motor Salvage Operator	2
Scrap Metal Dealer Registration	12
Sex Shop Licences	2
Skin Piercing Registrations	151
Street Collection Permits	210

Applications Received

	Apr-10	May-10	Jun-10	Jul-10	Aug-10
New applications	8	12	5	5	7