

Committee: Licensing and Environmental Health Committee
Title: Licensing progress and information report 01 April 2018 - 31 March 2019
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Summary

To provide members with a summary of the work undertaken by the Licensing Department.

Recommendations

The report be noted.

Financial Implications

None.

Background Papers

The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

- a. Appendix A – number of private hire and hackney carriage driver/vehicle and operator licences issued.

Impact

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Uttlesford

Workforce/Workplace	None
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Situation

The Licensing Act 2003

The Licensing Act 2003 established a single integrated scheme for licensing premises which are used for the sale of supply of alcohol, and/or to provide regulated entertainment and /or to provide late night refreshment.

Each year the District Council, (in its role as the Licensing Authority), maintains in the region of 347 premises licences and club premises certificates: 610 personal alcohol licences: and on average (each calendar year) acknowledges some 670 temporary event notices. All of these authorisations permit one or more of the licensable activities under the provisions of the Licensing Act 2003.

Each year a number of new premises licences are granted and a small number are surrendered, as businesses close down or move premises. New licences are granted and existing licences varied for a number of reasons.

Some activities are no longer licensable; the Live Music Act 2012 exempted the Licensing Act 2003 requirement for a licence for the provision of facilities for music, dancing, entertainment, or anything similar, and amended the need for the exhibition of films; but only during specific times, namely between the hours of 8am and 11pm; and at particular types of premises; usually in community premises or at those that are already licensed for the sale of alcohol.

Licence applications made under the Licensing Act 2003

Application Type	Applications processed 1 April 18-31 March 19
New Premises Licences/Club Premises Certificate's (CPCs)	9
Transfer of Premises Licences/Club Premises Certificates	22
Variations (full)	3
Minor Variations	3
New Personal Licences & Change of address applications	84
Temporary Event Notices (TENs)	450
LATE Temporary Event Notices	120
Surrendered Premises Licences	4
Review applications	3
Change of Designated Premises Supervisor (DPS)	34

Licensing and appeals

During 2018/19, applications were received for 9 new premises, 3 review applications, and 3 major variations to existing premises licences.

6 of these applications attracted representations (relevant objections), that could not be resolved, and had to be referred to a meeting of the Licensing and Environmental Sub Committee, to be determined.

Applications for minor variations

In October 2009 the minor variation process was introduced. This allowed proprietors/operators to make small changes to their premises licences, as long as the proposed changes would not undermine the licensing objectives specified in “the Act”.

The licensing objectives are of equal importance are:

- The prevention of crime and disorder
- The prevention of nuisance
- Public safety: and
- The protection of children from harm

Examples of permitted changes under this process include:

- Minor changes to the structure or layout of premises;
- Small adjustments to licensing hours;
- Conditions; removal of out-of-date, irrelevant or unenforceable conditions; or the volunteering of additional/revised conditions;
- Licensable activities: adding certain licensable activities

When this procedure was introduced, the Government recommended that the decision making for minor variation applications should be delegated to officer level. So, there is no provision for hearings to be held to determine these applications. If relevant objections are received the applications are refused.

A total of 3 minor variation applications were determined by Officers under delegated powers between 1 April 18 and 31 March 2019.

Working with Partners

The Licensing Team continues to work closely with the other agencies with responsibility for dealing with applications and statutory consultees. Officers have contributed to Safety Advisory Group (SAG) meetings relating to large outdoor events for cycle races and live outdoor concerts i.e. Down Hall Hotel and Audley End concerts.

The Gambling Act 2005

Local Licensing authorities have regulatory obligations under Gambling Act 2005 for licensing and gambling premises and issuing permits and permissions.

The Gambling Commission works closely with licensing authorities and other regulatory partners on joint initiatives and provides support through training, advice, and publications.

The commission has developed toolkits application forms, codes of practice, guidance, and a monthly bulleting, to help Licensing Authorities carry out their regulatory responsibilities around gambling.

The following numbers of premises in Uttlesford are currently licensed under the 2005 Act:

Adult Gaming Centres	2
Betting shops	6
Family Entertainment Centre	6
Occasional Use Notice	2
Small Society Lotteries	119
Club Machine Permits	7
Prize Gaming Permit	1
Notification of Gaming Machine Permits	40

Responsible Gambling Week 2019

Responsible Gambling Week 2019 runs from 7-13 November and is a campaign led by the gambling industry that aims to create a conversation with customers, staff and the wider public about gambling responsibility.

The campaign will focus on driving awareness of:

- How to gamble responsibly
- The tools that are available to help support people gamble safely all year round
- Sources of more advice and support

Changes to Gambling Legislation

During 2018-19 there were no changes in legislation affecting the licensing of these premises, however the 1st April 2019 saw a significant change introduced with B2 gaming machines (Fixed Odds Betting Terminals (FOBTs)) having the maximum stake per spin reduced from £100 to £2.

All 6 Bookmakers (Betting shops) in Uttlesford have these machines.

3 yearly review of Statement of Principles – Gambling Policy

Under section 349 of the Gambling Act 2005 (the Act) each licensing authority must prepare and publish a statement of principles which sets out how gambling is to be managed across the local authority area taking account of local issues, priorities, and risks that underpin its approach to regulation.

The Policy provides the opportunity for licensing authorities to agree and set out how gambling is to be managed in different parts of its area, and to provide clarity of expectation for licence holders and prospective licence holders about how their businesses are likely to be treated depending on where they are located.

A clear statement of policy will provide greater scope for licensing authorities to work in partnership with local businesses, communities and responsible authorities to identify and migrate local risks to the licensing objectives.

The Policy must be reviewed by Licensing & Environmental Health Committee and approved at full council at least once every 3 years.

The Council's Statement of Principles for Gambling was approved by the Full Council on 4 December 2018 following a consultation exercise and was re-published for a further 3-year period with effect from 31 January 2019 to 30 January 2022.

Street Collections and House to House Collections

The District Council is the licensing Authority for Charitable Street Collections under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 and Charitable House to House Collections under the House to House Collections Act 1939.

The Council has made regulations, which require the promotor to obtain a permit from the Council before a collection can take place.

The Council usually limits collections to one per day in the same location/area, so that the public are not inundated with request for donations, and to ensure that as many charities as possible have a reasonable opportunity to raise funds.

The Council is entitled to refuse an application for a house to house collection if the percentage of proceeds donated to a charitable cause, after paying expenses, is considered to be insufficient.

Generally, a minimum of 75% of the value of the proceeds of a collection should be donated to the charitable cause. The promotor has to complete an income/expenditure statement after a collection.

During the period 1 April 18-31 March 19 the authority issued 20 House to House collection permits and 29 Street Collection permits.

Scrap Metal Dealers Act 2013

The Scrap Metal Dealers Act (SMDA) 2013 came in force on 1 October 2013. The newer Act repealed earlier Acts and created a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries in England and Wales.

There are now two types of licence and all licences are valid for 3 years and a compliance check is carried out during the validity period of their licence.

A site licence

Will be required where a business is carried on as a scrap metal dealer at a premises whether or not metal is kept here. A site manager will be required to be named for each site. The licensee will then be permitted to operate from that site as a scrap

metal dealer including transporting to and from those sites from any local authority area.

A collector's licence

Authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect scrap metal. This includes commercial (not second hand car dealers) as well as domestic scrap metal. If a mobile collector operates within more than one local authority's district, a licence will be required for each authority that (s) he operates in.

We currently have 4 Site, and 2 collector's licences registered with this authority.

Taxi and Private Hire Licensing

Detailed below is a summary of the work relating specifically to taxi and private hire licensing, undertaken by the Licensing team during the last financial year.

From 1 May 2019 the new licensing policy took effect. This introduced mandatory requirements for all new drivers to undergo a driving proficiency test with effect from 1 June 2019. Requirements relating to safeguarding training as implemented by the Licensing and Environmental Health Committee and many other elements will be introduced in the training day rolling it out to driver renewals in 2020. For all Hackney Carriage driver applications a knowledge route test will follow at the end of the training day.

The new policy has raised existing standards and introduced greater consistency in dealing with applications.

The licensing team is proposing to shortly bring in both online DBS applications and online vehicle, driver and operator applications.

The total number of licences in place on 31 March 2019 are shown below

Hackney Carriage Vehicles	87
Private Hire Vehicles	2467
Joint (private Hire & Hackney Carriage) Driver	2683
Private hire Drivers	141
Private hire Operator	114

A graph showing the growth of licence applications over the last 5 years can be seen at appendix A.

Further updates on services standards and performance will be provided to future committees going forward.