

LICENSING COMMITTEE

21 JUNE 2018

REPORT OF THE ASSISTANT DIRECTOR GROWTH AND REGENERATION

ENVIRONMENT, HEALTH AND REGULATORY SERVICE (EHRS) – REVIEW OF LICENSING ACTIVITY 2017/18

EXEMPT INFORMATION

Nil

PURPOSE

This is an information item briefing the committee about the Team's business support, and enforcement work for FY2017-18.

RECOMMENDATIONS

That Licensing Committee note the content of the report and endorse future work for 2018-19.

EXECUTIVE SUMMARY

EHRS deals with the administration, principally of the Licensing regimes under the Licensing Act 2003 and Gambling Act 2005. In addition, it covers Taxi and Private Hire Licensing under Local Government (Miscellaneous Provisions) Act 1976 & 1982. The Licensing Team also administer the licensing of scrap metal dealers and motor salvage businesses under The Scrap Metal Dealers Act 2013.

Six items were before the committee this year compared to nine in the previous year (not including information reports and policies for approval). Smoking still appears to be the main reason for drivers appearing before committee. It is hoped this decrease is down to positive changes in behaviour.

RESOURCE IMPLICATIONS

No specific financial implications emanate from this report which provides a review of the Council's Licensing Team's enforcement and administration activities during 2017/18.

Crime And Disorder Reduction Implications

One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The Licensing team inspects licensed premises and takes formal enforcement action in accordance with the Council's enforcement policy. Thus the Licensing team plays its part in helping to drive down crime and which in turn will reduce fear of crime and ASB levels helping to promote a healthier, happier and more cohesive community. This will have efficiency benefits for adult social care and public health costs by keeping people healthier and more active for longer.

LEGAL/RISK IMPLICATIONS BACKGROUND

The Licensing Team exercises the Council's regulatory functions under the Local Government and Miscellaneous Provisions Act 1976 & 1982; Licensing Act 2003, Gambling Act 2005 and the Scrap Metal Dealers Act 2013. This report reviews the work over the last financial year and provides information upon the various activities undertaken in fulfilment of the Council's obligations. Additional duties will fall on this team if the Council adopts the statutory licensing regime for sexual entertainment venues.

There are no immediate legal implications arising from this report.

The Council will be at risk of legal challenge if its decision making process on determining applications is not transparent and evidentially based. Also the Council will be at risk where a decision to take, or not to take, enforcement action does not follow the Authority's published enforcement policy.

SUSTAINABILITY IMPLICATIONS

A visibly effective taxi/licensing/gambling service links into the Corporate Priorities of Living a Quality Life, Growing Strong and Delivering Quality Services in Tamworth. Furthermore measures to promote fair trading; reduce crime and disorder will enhance the attraction of Tamworth as a place to visit and run a business.

BACKGROUND INFORMATION

The vast majority of this report work relates to the Licensing Act 2003 and this financial year the Licensing Team dealt with: (*16-17 figures in brackets*)
328 Premise applications and annual fees (308)
82 Personal Licences (99)
88 (80) Temporary Events Notices (TENS), of which 69 (65) were standard and 19 (15) late;

Tamworth Borough Council continues to oversee the Responsible Body Group, with representation from Staffordshire Police, Trading Standards, Staffordshire Fire and Rescue, Licensing Officers and Environmental Health, Environmental Protection meet 6-8 weeks to discuss Licensing matters, including possible problem premises.

Gambling Act 2005

13 machine entitlements and 2 Permits and or certificates were issued, however 10, 8 entitlements and 2 permits, were surrendered. All premises, comprising 7 betting and 2 bingo halls were inspected.

Taxi Licensing

Administered and issued

Drivers – 227 (233)

Hackney Carriage Vehicles – 127 (149)

Private Hire – 96 (117)

Vehicle Operators – 10 (6)

A decrease in activity since last year, but the numbers remain fairly constant with those leaving the trade being replaced.

Miscellaneous

Street Collections – 68

House to House Collections – 34

Lotteries – 5

Scrap Metal

In addition the team administered and issued 5 Site Licence and 14 Collectors, reflecting an increase in last year's activity.

Committee Work

Nine items were considered by this committee leading to three written warnings; one suspension and one refusal for taxi drivers; one rejection of a licence transfer and variation of designated premises supervisor; an appeal against the refusal to grant a premise licence; a grant of a premise licence and a grant of a licensing gaming permit.

Key Strategic issues and impacts on 2017/18 operations

The loss of two personnel has caused a temporary loss of momentum, however these posts are now filled.

Safeguarding

The key priority for the Licensing Service is Public Safety, but at the present time Child Sexual Exploitation (CSE) is of particular concern. Well publicised events in other towns and cities in England have linked CSE to the taxi and private hire trade. Private hire drivers and operators, and hackney carriage drivers attended safeguarding training. It should be noted that other Local Authorities made this compulsory.

Accident and emergency (A&E) data

Changes in the delivery of public health resources mean the team no longer has the benefit of utilising A&E data. Other means to promote health and thus reduce crime and disorder will need to be assessed.

Future work

Revision to Gambling Policy

The current Gambling Act policy will need to be reviewed in order to create a statement of principles lasting until 2022.

Points System for Drivers

Licensing Committee requested that EHRS review the reasons for drivers appearing before Committee. We intend to consult on the introduction of a points system this year to enable us to record minor contraventions by

licensed drivers similar to the cumulative points system operated by the DVLA for driver licences.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head Of Environmental Health. Ext 437"

LIST OF BACKGROUND PAPERS

Licensing Return 2017-18.

Gambling Commission Return 2017-18.

APPENDICES

Nil