

## LICENSING COMMITTEE

20 JUNE 2019

### REPORT OF THE ASSISTANT DIRECTOR GROWTH AND REGENERATION

#### ENVIRONMENT, HEALTH AND REGULATORY SERVICE (EHRS) – REVIEW OF LICENSING ACTIVITY 2018/19

##### EXEMPT INFORMATION

Nil

##### PURPOSE

This is an information item briefing the committee about the Team's business support and enforcement work for FY2018-19.

##### RECOMMENDATIONS

That Licensing Committee note the content of the report and endorse future work for 2019-20.

##### 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.

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. One item was brought before committee this year compared to six in the previous year (not including information reports and policies for approval). Smoking infringements in relation to Taxi and Private Hire Licensing still occur, however no drivers have reached the threshold to appear before this Committee.

##### 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 2018/19.

##### 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. 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. This report reviews the work over the last financial year in fulfilment of the Council's obligations.

There are no immediate legal implications arising from this report.

### **SUSTAINABILITY IMPLICATIONS**

A visibly effective taxi/licensing/gambling service links into the Corporate Plan Priorities under People and Place. 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: *(17-18 figures in brackets)*

305 Premise applications and annual fees (328); 10 have been surrendered.

67 Personal Licences (82); 1 has been surrendered.

80(88) Temporary Events Notices (TENS), of which were 13 (19) 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 which meets every 6-8 weeks to discuss Licensing matters, including possible problem premises.

### **Gambling Act 2005**

5 (13) machine entitlements and 2 (2) Permits and or certificates were issued, however 6 (8) entitlements and 1 (2) permits were surrendered. All premises, comprising 7 betting and 2 bingo halls were inspected.

### **Taxi Licensing**

Administered and issued;

Drivers – 230 (227)

Hackney Carriage Vehicles – 124 (127)

Private Hire Vehicles – 93 (96)

Vehicle Operators – 10(10)

There appears to be no real movement in the number of licences issued and

a recruitment agency has been used to provide additional drivers.

### **Miscellaneous**

Street Collections – 74 (68)  
House to House Collections – 26 (34)  
Lotteries – 14 (5)

### **Scrap Metal**

In addition the team administered and issued 5 (5) Site Licence and 14 (14) Collectors, applications from outside the Borough indicate there is a need for this service.

### **Committee Work**

Four items were considered by this committee leading to the removal of a designated premises supervisor. The other items were the adoption of a Revised statement of Gambling Policy; the introduction of a Taxi Licensing points scheme and an overview of ride hailing applications.

## **KEY STRATEGIC ISSUES AND IMPACTS ON 2018/19 OPERATIONS**

### **Animal Welfare**

A new member of staff has attended a training course to enable Tamworth Borough Council to meet its responsibilities and implement a new national scheme regulating the welfare of animals. 11 premises are licensed; 1 pet animal store; 1 licensed dog breeder. There was a refusal due to unacceptable conditions.

### **Taxi Knowledge Test**

Revisions to the knowledge test reflect current best practice in customer service and the pass rate is 70 percent.

### **Unauthorised Encampments**

This area of work relates to unplanned work and can place significant demand on a small team. There were at least 6 occasions where the team deployed to an encampment on either private and public land. Although not a responsibility, members should be aware that the team supports business where the encampment is not on council land.

## **FUTURE WORK**

### **Revision to Licensing Policy**

The current Licensing Act policy will need to be reviewed in order to create a statement of principles (separate report) that is adopted by the end of this year.

### **Safeguarding**

Tamworth Borough Council commenced refresher training in safeguarding for all Private hire drivers; operators and hackney carriage driver. It should be noted that other Local Authorities in Staffordshire continue to make this compulsory.

**Renewals**

This year is the first occasion of renewing the three yearly licences for taxi drivers and the impact on current work will need to be monitored.

**Taxi Points Scheme.**

The scheme is at early stages of implementation, at present no points have been issued and again the impact on current work will need to be monitored.

**REPORT AUTHOR**

*"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Regulatory Services Manager. Ext 437"*

**LIST OF BACKGROUND PAPERS**

1. Department of Media Culture and Sport (DCMS) Licensing Return 2018-19.
2. Gambling Commission Return 2018-19.

**APPENDICES**

Nil