

Agenda Item**Licensing & Enforcement Committee****9 June 2008****JT/IC/DJ****Committee Update -****Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing****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.

Recommendation**That the report be noted****a) Reasons for Recommendation**

To keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Team.

b) Alternative Options

Not Applicable

c) Risk Considerations

Failure to provide an efficient licensing service may result in complaints or legal challenges being made against the Licensing Authority.

d) Policy and Budgetary Considerations

None

e) Date for Review of Decision

Not Applicable

1 Licensing Act 2003**1.1 Licences Issued and Notices Given**

1.1.1 Within the Licensing Authority's district there are currently 650 Licensed Premises. 579 of those hold Premises Licences while the remaining 71 benefit from Club Premises Certificates. In addition a total of 1,202 Personal Licences have been issued by the Authority.

1.1.2 Since the commencement of the Act in November 2005 a total of 1,698 Temporary Event Notices have been given. 1,563 of these were given for events where alcohol was to be sold while the remaining 135 were for regulated entertainment or late night refreshment only.

1.2 Premises Risk Ratings

- 1.2.1 In accordance with the risk rating system, the programme of visits and desktop analysis of licences continue. Aided now by the new version of LalPac's licensing software, which contains a risk assessment tool modelled on the system created by the Licensing Team, the risk rating of all the district's licensed premises is still on course for completion by the end of the year.

1.3 Enforcement

- 1.3.1 The proactive educational partnership approach to enforcement with the aim of compliance through consent continues to be successful. And again it is pleasing to report very few formal complaints have been received against licensed premises.
- 1.3.2 The visits to licensed premises are also finding fewer problems than have been experienced previously. Premises Licence summaries are being displayed and the giving of a verbal warning is becoming the exception rather than the norm. Working with partner agencies has increased and this co-ordinated approach has been welcomed by the licensed trade and public alike.

1.4 Hearings

- 1.4.1 The following hearings have been held since the last report to committee on 3 March 2008.

Number of hearings where no agreed position has been reached.	March 2008	1
	April 2008	2
	May 2008	0
Number of hearings held to approve an agreed position.	March 2008	0
	April 2008	4
	May 2008	0
Total number of days sub-committees have sat.	March 2008	1
	April 2008	2
	May 2008	0

- 1.4.2 To date, the Council has received no applications to review existing licences. In addition there are no outstanding appeals to the Magistrates' Court against the decisions of this Council's licensing sub committees. Council Officers continue to co-ordinate mediation meetings where Responsible Authorities have expressed their intention to seek a review. Since the last report to committee a further three "Pre Review Mediation" meetings have been held. These meetings have resulted in steps being taken by the Licence Holder to address the concerns of the Police and/or Environmental Health and have removed the need for a formal application for review to be made. This approach continues to be well received by all parties to the meetings and remains as standard practice in cases where responsible authorities are considering making an application for review of a premises licence.

1.5 Temporary Event notices

- 1.5.1 These are a key part of the Act's operation, and enable individuals to carry on licensable activities without a premises licence provided they serve notice in the correct way on the licensing authority and the police. The police have only 48 hours in which to object, otherwise the event goes ahead.

1.5.2

Temporary Event Notices given to the Licensing Authority.		
	March 2008	54
	April 2008	75
	May 2008	65

1.6 Variations, new licences, and changes of Designated Premises Supervisor

1.6.1 Applications for variation, transfer or change of designated premises supervisor continue to be received at a fairly constant rate.

Applications for the grant of a Premises Licence.		
	March 2008	5
	April 2008	3
	May 2008	2
Applications for the variation of a Premises Licence.		
	March 2008	5
	April 2008	2
	May 2008	2
Applications for the transfer a Premises Licence.		
	March 2008	9
	April 2008	6
	May 2008	2
Applications for a change of Designated Premises Supervisor.		
	March 2008	9
	April 2008	12
	May 2008	7

1.7 Personal licences

1.7.1 Applications are still being received at a steady rate.

Personal Licences issued.		
	March 2008	15
	April 2008	14
	May 2008	9
Applications for change of name or address.		
	March 2008	1
	April 2008	4
	May 2008	2

2 Gambling Act 2005

2.1 Licences Issued and Notices Given

2.1.1 Within the Licensing Authority's district there are currently 17 Premises licensed under the Gambling Act. 163 Small Society Lotteries have been registered. In addition the following have been issued or accepted:

- (a) 3 club gaming machine permits
- (b) 6 permits for Unlicensed Family Entertainment Centres – these are arcades with very low payout machines
- (c) 35 Notifications of intent to have gaming machines – these relate to public houses which intend to use up to two gaming machines on the premises

- (d) 1 Occasional Use Notice – these permit betting/gambling to take place at a venue for a period of not more than 8 days – in this case it related to a Point to Point meeting for one day.

2.2 Premises Inspections & Risk Ratings

- 2.2.1 The Licensing Authority is required to inspect premises licensed under the Gambling Act in accordance with the advice given by the Gambling Commission. A scheme of inspection, report and risk assessment is currently being designed in consultation with the Gambling Commission and Partner Agencies to meet the Authority's obligations in this matter.

2.3 Enforcement

- 2.3.1 At present the Authority's role remains one of education and assistance. To date no formal enforcement action has been required and it is anticipated that as with the Licensing Act close working with partner agencies will prove most beneficial.

2.4 Hearings

- 2.4.1 There have been no hearings relating to the Gambling Act held since the last report to committee on 3 March 2008.

2.5 Applications & Notifications received

Applications for a Permit.	March 2008	1
	April 2008	0
	May 2008	0
Applications for a Licence.	March 2008	1
	April 2008	0
	May 2008	0
Notifications of Intent to have Gaming Machines.	March 2008	5
	April 2008	1
	May 2008	2

3 Taxis

3.1 Licences Issued and Notices Given

- 3.1.1 Within the Licensing Authority's district there is currently a fleet of 208 licensed Vehicles, 172 of which are Hackney Carriages and 36 are Private Hire Vehicles. There are 243 licensed Hackney Carriage Drivers and 73 Licensed Private Hire Drivers.

3.2 Enforcement

- 3.2.1 The Licensing Team has continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles as we have used with the Licensing Act. Again close liaison is maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality are maintained.

- 3.2.2 On the whole the Hackney and Private Hire drivers and vehicle fleet within the district continue to conform to the requirements of the legislation.

3.3 Hearings

- 3.3.1 There have been three hearings relating to Hackney Carriage and Private Hire licensing since the last report to committee on 3 December 2007.

Number of hearings held.	March 2008	0
	April 2008	1
	May 2008	0

3.4 Applications received

Applications for a Hackney Carriage Licence. (including transfers & vehicle changes)	March 2008	3
	April 2008	4
	May 2008	9
Applications for a Hackney Carriage Drivers Licence.	March 2008	2
	April 2008	6
	May 2008	2
Applications for a Private Hire Vehicle Licence.	March 2008	0
	April 2008	0
	May 2008	15
Applications for a Private Hire Vehicle Drivers Licence.	March 2008	3
	April 2008	1
	May 2008	22
Applications for a Private Hire Operators Licence.	March 2008	0
	April 2008	0
	May 2008	4

- 3.4.1 The month of May has proved no different from other years in being a very busy time for the Licensing Service. All Private Hire licences issued by the Council expire on the 31 May and the applications for renewal of these licences need to be processed before they expire.

4. Consultation and Partnership Working

4.1 Parish Seminars

- 4.1.1 In April the Licensing Team commenced what was hoped to be a series of information evenings for Parish and Town Councillors. It was intended that these evenings would help to raise the Parish and Town Councillors' knowledge of the Council's various licensing regimes and at the same time listen to their concerns. This was also attended by one of the Environmental Health Officers. Regrettably the evening was not very well attended although those that did attend found the evening to be helpful and Sidmouth Town Council wrote to the Chief Executive with their support for the project. A second evening was arranged to take place at Budleigh Salterton however insufficient numbers confirmed their attendance and the evening was cancelled.

- 4.1.2 The Licensing Team are now at a crossroads. We want be able to engage with Town and Parish Councils however the feed back that we have received indicates that many have no difficulties with the current regime and therefore are reluctant to attend events. It has

been decided to suspend the information evenings and review how to proceed.

4.2 Licensing Forum

- 4.2.1 It was reported in the last up date to the Committee that the Licensing Manager was in the process of trying to set up a licensing liaison group or forum for the District. Work is continuing to identify suitable membership and a further up date will be provided for the Committee's next meeting.

4.3 Police Traffic Officers' Course

- 4.3.1 As was reported in the last up date to the Committee the Council's Licensing Service had been invited by the Devon and Cornwall Constabulary to assist with their training of traffic officers on the subject of taxi law and the law relating to stretched limousines. It is hoped that this close working relationship will lead to greater partnership working between the police and the Council's Licensing Team where taxi law enforcement is concerned. Officers from East Devon District Council have since February this year taken part in five training sessions.

4.4 Meeting between Members, Taxi Proprietors and Officers

- 4.4.1 In 2007 regular twice yearly liaison meetings were started between Members, Taxi Proprietors and Officers. The most recent meeting was held on the 21 May 2008 and was attended by Councillors Drew and Godbeer. Minutes of the meeting will be circulated.

5 Member Training & Development

- 5.1 Regrettably there has not yet been the opportunity to progress the involvement of members in the mediation process. As soon as practicable members will be offered on a rota basis the opportunity to attend and observe mediation meetings conducted by the Licensing Team.
- 5.2 Following the end of the Licensing and Enforcement Committee meeting on the 9 June 2008 it is planned to provide a two hour training session particularly aimed at members who have had little or no recent involvement in licensing although all members are very welcome. Further sessions are planned for subsequent meetings of the Committee.

Legal Implications

The report reflects any legal issues. No further comments are required.

Financial Implications

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Licensing and Enforcement Committee
9 June 2008

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Licensing and Enforcement Committee
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