

LICENSING TEAM RESPONSIBILITIES

REPORT OF: Tom Clark
Contact Officer: Yvonne Leddy , Business Unit Leader
Email: Yvonne.leddy@midsussex.gov.uk Tel: 01444 477300
Wards Affected: All
Key Decision: No

Purpose of Report

1. The purpose of the report is to inform the Committee of the work of the Licensing Team.

Recommendation

Members to discuss the report and work they wish to review in the coming year.

2. The Licensing Team are responsible for administering applications and issuing permits and licences relating to a number of licensing areas including: Taxis, Alcohol, Gambling, Animal Welfare, Scrap Metal Dealers, Caravan and Camping Sites , Street and House to House charitable collections. The team also provide licensing advice to businesses and members of the public as well as investigating complaints about licensing issues.

3. **Animal Welfare Policy**

The Council intends to adopt an Animal Welfare Policy in 2019/20. The Licensing Committee will be asked to debate and inform the policy before it is presented to the Scrutiny Committee for Community, Customer Services and Service Delivery.

Background:

On the 1st October 2018 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. The Regulations replaced a number of pieces of existing legislation and provides a new single licensing regime for a number of animal licensing activities.

As a licensing authority we licence those undertaking the following activities:

- (a) Selling animals as pets.
- (b) Providing or arranging for the provision of boarding for cats or dogs (including kennels, home boarding and day care).
- (c) Hiring out horses.
- (d) Breeding dogs.
- (e) Keeping or training animals for exhibition.

The new regulations are very prescriptive and set out how we issue licences and what needs to be included in the licence conditions. As a council we must also assess if a person is 'fit and proper' person to hold a licence and that they are trained to provide the best care for the animals.

The Council now have an option to provide up to a three year licence if we deem the operator can fully meet the licence conditions and can demonstrate a constant approach in providing good animal welfare provision.

Similar to that of the Food Hygiene Rating Scheme the regulations have introduced a star risk rating. It will provide a star risk rating for each premises based upon the outcome of the inspection and their record keeping. Premises can now get a score of 1 to 5, with five been the top score. Customers will be able to see the scores of their local operators as they have to display the local authority licence number and name of the issuing authority on documentation.

The Regulation has also provided the Council with greater enforcement to protect animal welfare. Briefly it allows us to suspend vary or revoke a licence in cases where licence conditions not being complied or there is evidence of a breach of the regulations,

In accordance with the new regulations the Council has set the licence fees to cover the cost of the licence e.g. inspection, reviewing documentation, issuing licence and compliance checked.

We currently licence 54 sites, with a further 10 applications being considered.

4. Taxi Licensing

The Licensing Team administers and issues, licences to the Taxi and Private Hire Trade. It also has an important enforcement role.

There are five hundred and twenty three Hackney and Private Hire drivers, with three hundred and seventy seven licensed vehicles. Of these One hundred and fifty four are licensed as Hackney Carriages (taxis). This number is fixed by the council and is supported through a demand survey every three years. The next survey is due to be conducted at the end of 2020 for publication in 2021. The Licensing Committee will be asked to comment upon this.

The council has a Taxi Licensing Policy which is due for a review and renewal in 2020. The policy includes standards expected of drivers and their vehicles, application and enforcement procedures and guides the committee when dealing with discipline issues.

The Government are due to release statutory guidance, applicable nationally, this autumn. This will undoubtedly lead to major changes to our policy. The committee will be engaged in this process.

The committee should be aware that there are age restrictions on our licensed vehicles (diesel and petrol) of ten years and with effect from 1st October 2022 a requirement that all Hackney carriage licensed vehicles are white in colour.

The Committee A will be asked to determine disciplinary matters against drivers.

In 2018/19 a total of fifteen drivers have appeared before the committee for a variety of matters including: convictions at court for refusing to take assistance dogs with their handlers, refusing to take wheelchair bound passengers and as a result of road traffic offences (mainly speeding).

Others who haven't been to court have been disciplined for matters such as inappropriate behaviour towards passengers, being rude and abusive, using mobile phones whilst driving, No MOT, defective tyres, immigration matters. The punishments range from revocation of the licence, suspension of the licence through to warning letters.

The underlying standard the committee will have to consider is 'public safety' and is the driver a 'fit and proper' person to be licensed.

5. **Alcohol Licensing**

Alcohol and Entertainment Licensing is governed by the Licensing Act 2003.

Premises wishing to sell alcohol must be licensed. Similarly, premises seeking to provide Regulated Entertainment in the form of Plays, Films , Boxing/Wrestling, Live Music, Recorded music or something similar to live and recorded music must be licensed.

The Act is underpinned by the four Licensing Objectives;

- a. Prevention of Crime and Disorder
- b. Promotion of Public safety
- c. Prevention of a Public Nuisance
- d. Prevention of harm to children and young people.

All licensees must promote these objectives in their day to day running of establishments.

Applications for new licences and variations to existing ones are bound by prescribed forms and timelines. All such applications are subject to public consultation and consideration by a number of statutory bodies referred to in the Act. Officers have delegated authority to grant those applications that do not attract relevant representations (this is the term in the Act for objections). Most applications for new and variations are dealt with by way of delegated decisions. .

Where representations have been made about an application, determination is made by a Liquor Licensing panel. The panel comprises of three members, none of whom represent the ward where the premises are situated.

There are on average, three or four such panels in a year.

The decision must be made having taken into account the effects of the application on the Licensing objectives. Any party aggrieved by the decision of such a panel can appeal a decision to the Magistrates Court.

The Council currently licences 450 Premises Licences and 45 Private Members club licences.

In addition to applications the team administers transfers of licences; the issue of personal alcohol licences and investigates complaints about licensed sites. There are 700 current personal licences.

The Council has a Licensing Policy for the District. It is currently under review and will be presented to Scrutiny Committee for Community, Customer Services and Service Delivery in July prior to public consultation and adoption by Council in December 2019.

6. **Gambling**

Gambling is governed by the Gambling Act 2005.

The Gambling objectives are;

- a. Preventing gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- b. Ensuring that gambling is conducted in a fair and open way and
- c. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Premises licences are administered and issued locally. The application process is similar to that of the Licensing Act 2003. In the event of representations the Licensing Committee will determine the application. This Council has not held such a committee since the Act became law in July 2007.

The numbers of gambling premises are significantly lower than those licensed for alcohol. There are ten betting shop licences and two adult gaming centre licences.

The Gambling Commission plays a major part in this legislation, issuing operator licences (i.e. betting companies) and personal licences. They licence large lotteries (including the National Lottery) and are responsible for all online and offshore betting.

The Licensing Team administers and enforces gaming machines in pubs and private member clubs as well as administering small society lottery registrations. Currently, 88 pubs and clubs have authority for gaming machines and 137 small society lottery licences are issued.

The Council has a Gambling Policy, referred to as the Statement of Principles. This policy, reviewable every three years was recently reviewed in January 2019.

7. **Scrap Metal Dealers**

The Council licence scrap metal sites and collectors under the Scrap Metal Dealers Act 2013. The Licence requires the collectors of scrap metal to identify customers from whom they purchase metal and the nature and type of metal. Site and collector licences are renewable every three years.

There are currently 5 site and 4 collector licences in the District.

The responsibility for determining an application attracting objections is required by law to be dealt with by the Executive of the Council and not by the Licensing Committee.

8. **Other Licensing Team Responsibilities**

Street Trading

Street Trading (defined as the selling or exposing for sale any article in a street) is administered by the Licensing Team.

This council has designated 16 streets in the District where Street Trading is either prohibited, or requires a licence or consent. Outside of these roads, street trading

does not require the council's permission, although other restrictions may apply i.e. no waiting, highway obstruction etc.

There is an emerging trend of mobile food vans seeking permission to trade within the district. Control is maintained within designated streets but the council are powerless to prevent it outside of these areas.

The committee may want to consider reviewing the designation of streets within the district where street trading is permitted. The current regulations were introduced in 2001.

The Committee will be asked to adjudicate on applications for licences that attract objections or other matters where the Business Unit Leader considers determination should be made by the Licensing Committee.

The turnover for all Street Trading applications is low, amounting to 190 during the past 4 years.

Charitable Collections

The Licensing Team administers applications for charitable collections in the street (cash collections) and from door to door (these are collections of mainly clothing in charity bags.) The council does not have authority to charge fees for such applications.

The Licensing Committee is unlikely to become involved in determining these applications. Officers have delegated authority to grant or refuse.

There have been 369 Street Collection permits issued during the past 4 years. The licensing team maintains a register of where collections are taking place, to ensure that the same areas are not being overloaded with collections on the same day. This also assists the charities as their collections are unlikely to be diluted.

Organisations are required to submit a return to the council giving details of the amounts collected.

House to House Collections

These collections generally involve companies working on behalf of charities collecting clothing from households, leaving a plastic bag to be collected a few days later. The clothing is then sold.

The collecting companies will enter into an agreement with the charity, guaranteeing them a fixed sum of money per annum.

The collections require a permit from the local authority. The collecting companies generally apply for the whole calendar year to cover the whole district. This council insists upon nominated postcode areas where the collections will take place and will only allocate a week at a time. Further collections are granted upon satisfactory receipt of collection returns.

The Home Office issues Exemption Orders to charities, negating the need to apply to local authorities for permits. We encourage charities and collecting companies with exemption orders to inform us of their presence in the district in order that we can gauge numbers.

We maintain a diary of collections to assist us in allocating dates and to try and avoid an excessive number of collections in an area.

Officers have delegated authority to issue and refuse application. It is unlikely that the Licensing Committee will be involved in these determinations.

During the past 4 years we have issued 569 permits.

9. Caravan and Camp Sites

The council currently licences twelve caravan sites and six camp sites across the district. Annual visits are undertaken to each site. These visits focus largely on public safety.

The Licensing Committee hasn't been required to determine any applications in this area.

Policy Context

10. The Council is legally required to have a Licensing Committee to determine licensing matters.

Financial Implications

11. None.

Risk Management Implications

12. None from the recommendations identified in this report.