
7 February 2020

Dear Councillor,

A meeting of **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **MONDAY, 17TH FEBRUARY, 2020 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. To receive apologies for absence.	
2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.	
3. To confirm the Minutes of the previous meeting held on 1 July 2019.	3 - 6
4. To consider any items that the Chairman agrees to take as urgent business.	
5. Discussion Paper on the Potential Changes to the Taxi Licensing Policy Following the Proposed Statutory Guidance.	7 - 12
6. Licensing Team Responsibilities.	13 - 18
7. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.	

To: **Members of Licensing Committee:** Councillors J Knight (Chair), Anthea Lea (Vice-Chair), G Allen, P Chapman, R Cromie, J Dabell, L Gibbs, I Gibson, J Henwood, C Laband, G Marsh, S Smith, N Walker, R Webb and N Webster

**Minutes of a meeting of Licensing Committee
held on Monday, 1st July, 2019
from 7.00 pm - 8.08 pm**

Present: J Knight (Chair)
Anthea Lea (Vice-Chair)

G Allen	L Gibbs	N Walker
P Chapman	I Gibson	R Webb
R Cromie	J Henwood	N Webster

Absent: Councillors J Dabell, C Laband, G Marsh and S Smith

1. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Dabell, Councillor Laband and Councillor Marsh.

2. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

3. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 4 DECEMBER 2018 AND THE ANNUAL MEETING HELD ON 22 MAY 2019.

The Minutes of the meeting of the Committee held on 4 December 2018 and 22 May 2019 were confirmed as correct records and signed by the Chairman.

4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

5. LICENSING TEAM RESPONSIBILITIES

Tom Clark, Head of Regulatory Services introduced the report which gave an overview of the work of the Licensing Team. He noted that their remit was more than taxi and alcohol licensing. The work completed by the team was dependent on the work that comes in. Last year there was more taxi licensing work which included drivers of disabled taxis appearing before Sub Committee and there will be at least one alcohol licensing panel shortly. He noted that new Animal Welfare Policy will be at Committee in September. Paul Thornton, Senior Licensing Officer presented each section of the report.

Animal Welfare

He informed Committee about the history of the Animal Welfare Policy and legislation dating back to 1925. A recent comprehensive update by Department for Environment, Food and Rural Affairs provided detailed guidance notes for local authorities and licensees. He confirmed it had created a lot of work but all licenses were issued on time. The maximum licence is 3 years with a compulsory inspection for all applications and the legislation states that the Council must charge fees on a cost recovery basis. The fees are calculated on the time it takes to process an application, including the time to inspect the premises and includes any appeal or re-inspection. The highest star rating for new applications is two stars. The Committee were advised that new legislation was due in April 2020 to stop the puppy farming. In future the public will have to buy from registered breeders or rescue centres.

The Senior Licensing Officer clarified that the license is held by a person at a specific address. He noted the team receive many enquiries about dog walkers but there is no provision for dog walkers to have a licence. Exotic animals are covered by the Dangerous Wild Animals Act and no licences have been issued in Mid Sussex. He confirmed that once close to expiry all licensees must reapply to renew their licence. The new policy encourages businesses to be compliant. For inspections involving horses the officers must be accompanied by a vet and the vet charges the applicant separately. The same process applies for dog breeder licences.

Taxi Licensing

Tom Clark, Head of Regulatory Services confirmed that by 2022 all Hackney carriage licensed vehicles will be white so the public can identify them easily. It is also a safety measure and makes the fleet look more professional.

Alcohol Licensing

A Member asked whether the Liquor Panel would be more likely to approve an application if representations have been made. The Senior Licensing Officer noted that under the law it is presumed the licence will be granted unless there is satisfactory information to refuse it but this is only for alcohol licenses. The representations, a 28 day consultation process, consultation of statutory bodies, advert at the application site and a public notice in a newspaper are all part of the legislation. The Police do comment and may want conditions. If the representations are agreed by all parties there is no need to have a panel as the officers have delegated authority. The representations must concern one of the four licensing objectives. The panel of 3 Members is then arranged and the panel must be held no more than 20 working days after the consultation ends. The panel decides the likelihood of an impact on the licensing objectives in granting the licence. He noted that if the application is in a Member's town they do not sit on the panel.

The Cabinet Member for Community asked how the team assess how to prevent a public nuisance. The Licensing Officer confirmed that it was a matter of trusting that the applicant would comply with the law and conditions and the applicant needs to reassure the committee that the issuing of the licence would not annoy the neighbours. The Environmental Health Noise team ask the applicant to write a noise management plan which should include measures to mitigate any noise and a face to face meeting also takes place. The Noise team can monitor premises and review licenses.

The Head of Regulatory Services noted the difference between planning and licensing. With licences the Council take more of a risk, because the licensee can be instructed to return to the Committee and the Committee can revoke or add conditions to a licence.

In response to a Member's question the Licensing Officer confirmed that MSDC procedure is that all parties to a hearing receive equal air time. The object of the hearing is that the Licensing Committee obtain as much information as possible to make an informed decision within the guidelines of the legislation. The applicant and objector(s) have a chance to make their views known and most people at the panel respect the procedure. The cross examination should not be adversarial and the committee can ask questions to find out how conditions would be met. The officer noted that the committee should not predetermine during the questioning. The Head of Regulatory Services advised the committee not to get involved with privately researching an application if they are asked to sit on the panel and to only use the material provided by the Council to make the decision.

Gambling

The Licensing Officer noted that the Gambling Act 2005 copied procedures from the Licensing Act and activities are heavily regulated. He confirmed that licensed premises can have two machines, if they want more then they must apply to the council. Wetherspoon's in East Grinstead have five machines. The licensee must provide a plan to show how they will supervise the public as Under 18s should not use the machines. The Gambling Policy is reviewed every three years.

Scrap Metal

The Licensing Officer gave a brief history which included previous problems of cable theft from railway tracks. He noted the difference between a site and collectors licence and the difficulty of licensees paying supplier of scrap metal by BACS or cheque, keeping records of the type of scrap bought and the identity of the supplier. He advised that the legislation has been reviewed, some issues have been highlighted but the restrictions have not changed.

Street Trading

The Licensing Officer detailed the 16 streets in the district where Street Trading is prohibited or requires consent or a licence. The list of streets was adopted in 2000. He stated that revising the list of streets could be part of a strategy and would involve a lot of work but should not be a deterrent to undertake the work. The revised list of streets would need to be advertised. He noted an issue with street traders in Burgess Hill which was being monitored.

Licensed Streets:

East Grinstead - Railway Approach

Prohibited Streets:

Burgess Hill - Civic Way, London Road and Queen Elizabeth Avenue

East Grinstead – Station Road

Haywards Heath – Wivelsfield Road

Poynings – Land to the North and East of the Devils Dyke Inn, Dyke Road

Other – Lay-by on the A264 Copthorne Way, Copthorne, running West to East

Consent Streets:

Burgess Hill - Church Road, Church Walk, Keymer Road and Station Road

East Grinstead - Christopher Road, High Street, Little King Street and London Road

Haywards Heath - Commercial Square, Keymer Road, South Road, Station Road, Sussex Road and The Broadway

Other – Lay-by on the A264 Copthorne Way, Copthorne, running East to West

He confirmed the selling of second hand cars on the highway was dealt with under the Clean Neighbourhood and Environment Act 2005. It is an offence to advertise for sale cars on the highway if they are less than 500m from each other. It can be hard to prove who is selling them.

The Head of Regulatory Services reminded the Licensing Committee that Scrutiny Committees develop policies.

Charitable Collections

The Licensing Officer confirmed that cash collections on the streets need a licence but there is no fee. The team check the applicant is a registered charity and they must complete a return. The team keep a diary and limit collections on roads in the same day. Direct Debit collections i.e. Oxfam are not licensable as they don't collect cash.

House to House

The Licensing Officer noted the increased requests for charity bag house to house collections as it is a profitable business, currently £650 a tonne. The company offers to collect on behalf of a charity and gives them a set donation. There is no application fee and the procedure is to limit companies collecting to one week a month and they must provide the postcodes / streets where they are operating. This ensures equal opportunities for charities. The charities only get a small proportion of the money raised from collections.

Caravan and Camp Sites

The Licensing Officer confirmed there are no fees for camp sites and the rules cover public safety, clean water, waste disposal and space between the units. The Mobile Homes Act 2015 protects people living in rented caravans.

The Officer confirmed people can camp for 28 days a year without a licence and there is no fee with simple site rules for public safety.

The Chairman thanked the officers for the report. He noted no more Members wished to speak so moved the Committee to the recommendation to note the report which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 8.08 pm

Chairman

DISCUSSION PAPER ON THE POTENTIAL CHANGES TO THE TAXI LICENSING POLICY FOLLOWING THE PROPOSED STATUTORY GUIDANCE

REPORT OF: Tom Clark, Head of Regulatory Services

Contact Officer: Jon Bryant, Hackney Carriage & Private Hire Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477076

Wards Affected: All

Key Decision No

Purpose of Report

- 1 This report seeks the views of the Licensing Committee on the strategic direction for the proposed review later this year of the Taxi and Private Hire Licensing Policy following the proposed Statutory Guidance by the Department of Transport (DfT).

Summary

- 2 Section 177 of the Policing and Crime Act 2017 enables the Secretary of State for Transport to issue Statutory Guidance on exercising taxi and PHV licensing functions to protect children and vulnerable individuals from harm when using these services. The Licensing Committee responded to the Public Consultation on the Draft Statutory Guidance issued by the DfT in April 2019. While the Guidance is currently only in draft form, we understand from the DfT and Institute of Licensing that there will be little change to the draft consulted upon. The Council will need to undertake a full review, consultation and adoption of a new Policy once the Statutory Guidance is issued.

Recommendations

- 3 **Licensing Committee consider the proposals in this report and recommends that Officers progress work to incorporate these measures within the Council's Taxi and Private Hire Policy in preparation of the issue of the Statutory Guidance.**
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Background

- 4 The current Hackney Carriage and Private Hire Licensing Policy was re-adopted in 2017. When the Statutory Guidance is issued we will need to review our policy. The proposed changes will be considered by the Scrutiny Committee for Community, Customer Services and Service Delivery prior to public consultation and adoption by Council.
- 5 It is important to emphasise that this report is intended to form a basis for the Policy direction of the Council, and for officers to develop the policy which will be presented for consultation with the approval of the Scrutiny Committee.
- 6 A summary of the expected changes required by the Statutory Guidance are as follows:

Hackney Carriage and Private Hire Drivers

- a. Adoption of the proposed definition of the fit and proper test and that the applicant or licence holder should not be given the benefit of the doubt during decision making.
- b. The draft Guidance recommends that all drivers are required to subscribe to the DBS update service, and that Authorities check their criminal histories every 6 months. It also recommends that drivers are required to 'self-report' any arrest, charges or conviction within 48 hours (we currently require notification within 7 days) and consequently it is proposed to include these measures in our Policy revision.
- c. It is further suggested that in some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the authority to make direct referrals to the DBS.
- d. Update the policy that the Authority will seek criminal records information from overseas when an applicant has previously lived outside the UK for any period of more than three continuous months since the age of 18.
- e. Introduction of mandatory Safeguarding Awareness training. If a driver fails to complete it within a fixed time period, then his licence will be suspended until the safeguarding training is completed. A number of our Licensed Drivers have previously completed this training when it was voluntary. However, there are still drivers who failed to attend this training and we have had new drivers licensed since the last round of training. Following previous discussions, we have identified two providers for face to face training.
- f. Introduction of mandatory Disability Awareness training. If a driver fails to complete the training within a fixed time period, then the licence will be suspended until this training is completed. Following previous discussions, we have identified a provider for face to face training

CCTV in Licensed Vehicles

- g. In September 2017 the government established a Task and Finish Group (TFG) on Taxi and Private Hire Vehicle Licensing with the remit to consider evidence relating to the adequacy of current taxi and private hire vehicle (PHV) licensing authority powers, as set out in legislation and guidance, and to make recommendations for actions to address any priority issues identified. The TFG recommended that all licensed vehicles are fitted with CCTV covering the inside of the vehicle in order to provide greater protection to customers and drivers. The draft Guidance discusses the benefits and risks to using CCTV, concluding that while only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. It is also important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and PHVs will be responsible for the data. It is important that any decision to mandate CCTV fully considers concerns regarding privacy and how systems are configured. Some drivers have already installed CCTV in their vehicles although there is no requirement for them to. By mandating the universal

use of CCTV, the benefits to both drivers and the public could be realised, with improved authority control over the system specification and use.

As such, the Committee are invited to consider whether the use of CCTV in licensed vehicles is a direction which it wishes officers to explore when reviewing the Policy.

Private Hire Vehicle Operators

- h. The draft Guidance also states that Licensing Authorities should be satisfied that PHV operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Councils should request that, as a condition of granting an operator licence, a register of all staff that will take bookings or dispatch vehicles is kept. The operator should be required to evidence that they have had sight of a Basic DBS check on all individuals listed and produce a policy on employing staff with a criminal record.
- i. Consider introducing a condition to an Operator Licence that they will advise the authority when any driver is subject to complaints regarding safeguarding, dishonesty, abusing customers or more than one complaint in any 12 months.
- j. The use of a driver who holds a Public Carriage Vehicle (PCV) licence and the use of a public service vehicle (PSV) such as a minibus to undertake a PHV booking should not be permitted as a condition of the PHV operator's licence.
- k. Include the licensing of stretched limousines within the policy.

7 Licensed Vehicle Emissions

Air quality and climate change has been of increased concern since the Policy was last reviewed. The Council currently does not have an emission standard for licensed vehicles, however we will not licence vehicles over 10 years old.

Whilst the proportion of licensed vehicles makes up a small percentage of traffic in and around Mid Sussex at any one time, it is recognised that licensed vehicles are used regularly throughout the day on multiple journeys. As such, the Committee are invited to consider any strategic direction for the Policy to improve air quality in the District.

The Committee may wish to consider the promotion of less polluting vehicles. Any radical measures to remove diesel vehicles or require a hybrid or electric fleet are considered premature due to the purchase cost of vehicles being prohibitive and lack of charging infrastructure. The Committee may feel that a Policy based upon an age limit or the current emissions standard with a reasonable lead in would be more appropriate e.g. instead of an age limit of less than 10 years it could be reduced to less than 5 years for the first registration of a taxi or private hire vehicle and incentivising electric vehicles post 2020 following the delivery of EV charging points across the District.

- 8 Other policy changes that are local to Mid Sussex area that the Council may wish to consider, but are covered in the proposed Statutory Guidance, are as follows:
- a. Review the duration of licences - there have been representations from older drivers (over 65) regarding 3 year licences. They have enquired about the possibility of being allowed to apply for a yearly licence. From 65 they must have a yearly medical to remain licensed and some drivers feel that they would only want to continue for either 1 or 2 years.
 - b. Consider applying an "Intended use policy" for hackney vehicles – representations have been received of licensed Mid Sussex Hackney Vehicles working predominately in Brighton on the UBER platform. Mid Sussex has a cap of 154 of hackney carriage vehicles that they will be licence. If vehicles are working remotely away from the District it could reduce the availability of vehicles to the residents of Mid Sussex. There are also potential issues regarding ensuring the driver and vehicle compliance. In the Autumn the Council are undertaking their unmet demand survey and this will provide us with an opportunity to challenge the set number of vehicles.
 - c. On 1st October 2022 Hackney vehicles will have to display door signs with the Mid Sussex Logo and licence number. The committee may wish to consider applying the same requirement for Private Hire vehicles. This would not only provide consistency across the fleet of vehicles it would provide extra visibility and reassurance to the travelling public that they are getting into a locally licensed vehicle.
 - d. The Council may wish to confirm in their Policy that they will not license any vehicle which has previously been recorded as a write off. Potentially some write off vehicles can be repaired and returned to the road, however it is difficult to ensure that any repairs have been completed to a professional standard.
 - e. Consider applying a condition to wheelchair accessible vehicles (WAV) licences that the vehicle must always carry the appropriate equipment to transport wheelchair passengers otherwise the vehicle licence will be suspended immediately.
 - f. Consider adding a condition to the vehicle licence that when credit cards are accepted by a driver they cannot set a minimum amount. Currently some drivers will only take payment from them if the fare is over a certain amount – usually £10. There has been anecdotal evidence that some drivers are using this as an excuse to avoid short journeys.
 - g. Amend the current condition relating to smoking to include the prohibition of licensed drivers or passengers vaping in licensed vehicles

Policy Context

- 9 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if we are not satisfied

that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences.

- 10 The draft Statutory Guidance comes from powers under the Policing and Crime Act 2017 which enables the Secretary of State for Transport to issue Statutory Guidance on exercising taxi and PHV licensing functions to protect children and vulnerable individuals from harm when using these services.
- 11 The draft Statutory Guidance reflects the significant changes in the industry and lessons learned from experiences in local areas since the Department's Best Practice Guidance was last updated. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 12 The draft Statutory Guidance makes it clear that Licensing Authorities will be expected to follow and implement the recommendations and will be at risk of legal challenge should they choose not to.

Financial Implications

- 13 The Council keeps the fees and charges under review annually and aims to recover as much of the cost of regulating taxi and private hire licensing services as we are legally able, through fees and charges paid by applicants and licence holders. Any additional costs arising from implementing and enforcing this policy will, where possible, be met through changes to taxi and private hire licence fees and charges.

In terms of potential costs to the trade, drivers are already able to sign up to the DBS update service at a cost of £13 per annum. By signing up to the update service, this would negate the need for drivers to pay for a new DBS every 3 years at an approximate cost of £71.

There is likely to be a cost to be passed onto drivers for attendance at mandatory safeguarding and disability awareness training.

According to the Task and Finish Group report, in vehicle CCTV systems can cost as little as a new set of tyres. Any costs associated with the taxi trade can be included in the Council's Fare Calculator to enable recovery through the Fare tariff.

Risk Management Implications

- 14 None identified

Equality and customer service implications

- 15 The policy is intended to protect the public, including those who are vulnerable owing to their age or disability, and through our consultation with a range of stakeholders, including the police, we would seek to ensure we have got the balance right in this respect. Measures which improve safety and standards in the taxi and private hire trades would improve access to the service for customers from all groups.

Background Papers

None.

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 in 2019.

Recommendation

Members to discuss the report and the 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**

Following extensive consultation, the Council has introduced the Animal Welfare Policy on the 1st February 2020. The aim of the Policy is to assist the Council, current and potential licence holders and the public as to how the animal licensing regime is administered within the District.

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 provided a new single licensing regime for a number of animal licensing activities.

As a licensing authority we license 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 a 'fit and proper' person to hold a licence and that they are trained to provide the best care for the animals.

We 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 consistent 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 being 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 e.g. at their premises, on business website etc.

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

In line with the regulations the Council has set the licence fees to cover the cost of the licence i.e. inspection, reviewing documentation, issuing licence and compliance checking.

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's existing Taxi Licensing Policy was revised in 2017. In the autumn we are expecting the Government to release statutory guidance and this will require a full review of our policy

The policy includes standards expected of drivers and their vehicles, application and enforcement procedures and guides the Committee when dealing with discipline issues.

The Committee should be aware that there are age restrictions on our licensed vehicles of ten years (we will not licence a vehicle over 10 years old) and, with effect from 1st October 2022, a requirement that all Hackney carriage licensed vehicles are white in colour.

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 and immigration matters. The enforcement actions range from revocation of the licence, suspension of the licence through to warning letters.

The underlying standard the Licensing Sub-Committee A will have to consider is ‘

- public safety
- is the driver a ‘fit and proper’ person to be licensed?

Licensing Sub-Committee A would expect to consider 12 such matters in a year. In 2019 there were 8 matters put before the Committee.

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 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. In 2019 there were three hearings which the panel Members found interesting.

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

The Council currently licences 450 premises and 45 private members clubs.

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.

In 2019 the Council adopted the revised Licensing Act and the Sex Establishment Policies.

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.
- 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 number 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 license 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 have been issued.

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

7. **Scrap Metal Dealers**

The Council license 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 five site and four 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 does not regulate outside of these areas.

The Committee will be asked to decide 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 number of street licence applications is relatively low with only 190 received in the last four 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 cannot charge a levy for the permit. 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

"House to House" 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 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 which is free. Whilst some companies would like an annual blanket District wide permit, we require them to nominate postcode areas where the collections will take place and will only allocate a week at a time. This allows us to monitor activity, gives more than one collector an opportunity to collect for their charity and avoids an excessive number of collections in an area. 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.

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

During the past 4 years we have issued 569 permits.

Caravan and Camp Sites

The Council currently licenses twelve caravan sites and six camp sites across the district. Annual compliance 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

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

Financial Implications

10. None.

Risk Management Implications

11. None from the recommendations identified in this report.