



Report of:	Meeting	Date
Chairman of the Licensing Committee, Councillor Julie Robinson	Council	28 October 2021

Periodic Report – Licensing Committee

1 Purpose of report

- 1.1** To inform the Council of the current position on issues dealt with by the Licensing Committee and Licensing Team during the period October 2019 to August 2021 (inclusive).

2 Licensing Committee hearings

- 2.1** The Licensing Committee has met in person three times and have met virtually a further three times.

Licensing Sub Committees have met in person twice and had a further six virtual meetings.

In total they have considered and dealt with twenty separate matters.

2.2 Licensing Act 2003

Five applications for new premises licences and one application to vary an existing premises licence were referred to the Licensing Committee or Sub Committee for determination, following objections by Responsible Authorities and/or residents, during the statutory consultation periods.

The five applications for new premises licences are summarised below:

- Italian Pizza Hot, 9 Crescent East, Thornton Cleveleys – granted for reduced hours and subject to additional conditions.
- Dalvi's, 17 Breck Road, Poulton – Granted with a requirement for an additional CCTV camera to be installed.
- Wyreside Hall, Wagon Road, Dolphinholme – Granted subject to conditions previously agreed with Police and Environmental Health.
- Valiants Farm, Lancaster Road, Out Rawcliffe – Granted for reduced hours and subject to additional conditions, including a limit of twelve

days per calendar year that licensable activities are authorised under the licence.

- Cybele, 21 Queens Square, Poulton-le-Fylde – Granted for reduced hours.

The following application sought to vary an existing premises licence to extend the hours permitted for use of the beer garden:

The Cube, Breck Road, Poulton – Granted an additional hour for Thursday to Sunday subject to the conditions agreed with Environmental Health, but refused to grant an additional hour for Monday to Wednesday.

2.3 Gambling Act 2005

An application for a new Bingo premises licence was referred to the Committee for determination, following objections by residents.

- Merkur Slots, 76 Victoria Road West, Thornton Cleveleys – Granted subject to conditions including a limit on opening hours.

One application to increase the number of gaming machines permitted in the Bull Hotel, 2 Blackpool Old Road, Poulton-le-Fylde was referred to the Committee in accordance with the Council's policy. The variation was granted.

2.4 Hackney Carriage and Private Hire licensing

Two applicants for new dual driver licences were brought before members during the period covered by this report.

- One was granted a one year licence with a requirement that their first renewal application must also be determined by the Committee.
- One was refused a licence due to their offending history.

The driver whose first renewal application was considered by the Committee, was refused a further licence owing to undeclared offences committed whilst they were licensed.

In addition three existing drivers were brought before members, following investigations by licensing officers into complaints about their conduct.

- One had no further action taken.
- One received a written warning that would remain live for two years.
- One had their licence suspended for one month.

During the initial lockdown the Head of Environmental Health and Community Safety also determined two matters relating to the fitness of Wyre licensed driver's under emergency delegated powers.

- One had their licence suspended for two weeks
- One had their application to renew the licence refused

3. Licences, permits and registrations issued by the Licensing Unit

3.1 Licensing Act 2003

There are currently 421 licensed premises in the borough and Wyre is the relevant licensing authority for 2,174 personal licence holders.

During the reporting period licensing officers have dealt with applications for:

- 40 New premises licences
- 142 Variations to existing premises licences
- 38 Applications to transfer existing licences
- 95 New personal licences
- 75 Amendments to personal licences
- 243 Temporary Event Notices

3.2 Gambling Act 2005

The Borough currently has:

- 9 Betting shops
- 2 Bingo premises
- 11 Adult Gaming Centres
- 2 Licensed Family Entertainment Centres
- 9 Family Entertainment Centre permits
- 22 Licensed premises gaming machine permits (3 or more machines)
- 76 Licensed premises gaming machine notification (up to 2 machines)
- 13 Club machine permits
- 1 Club gaming permit
- 2 Prize gaming permits
- 144 Small Society Lottery Registrations

During the reporting period licensing officers issued 10 new or varied permits in respect of gambling permissions, the majority of which were licensed premises notifications required where there is a change of licence holder under the 2003 Licensing Act.

3.3 Taxi Licensing

The borough currently has 160 licensed Hackney Carriages and 89 licensed private hire vehicles, with vehicle licences issued for one year at a time.

Hackney carriage numbers are limited in Wyre and so proprietors have kept their vehicle licences current to protect their plate during the pandemic, even though many of these vehicles and their drivers were unable to work for long periods of time.

There is no equivalent restriction on the number of private hire vehicles that the council will licence. Ordinarily there is a fleet of around 120 licensed private hire vehicles working across the borough at any given time, many of which rely on bookings for airport transfers as their main source of business.

As a direct result of the significant decrease in demand for private hire services, around a quarter of private hire vehicle proprietors have allowed their vehicle licences to expire. It is hoped that as the foreign travel industry recovers and life returns to more normal levels of activity, the number of licensed private hire vehicles will also increase to pre-pandemic levels.

There are 34 Private Hire Operators licensed to trade in the borough and these licences are valid for five years.

There were 399 dual driver licences in existence at the end of the reporting period, which is approximately a tenth lower than pre-pandemic numbers.

Because these licences are normally issued for three years, it is not known how many of the current licence holders have left the trade or found alternative employment opportunities, as they do not generally surrender their licences, but leave them to expire naturally.

The lack of working drivers is beginning to impact on the availability of licensed vehicles to support the hospitality industry. This is particularly evident late at night in Poulton and to a lesser degree in Fleetwood over the weekends. Reports of rising tensions among prospective clients on the town centre ranks are becoming more frequent and adding to the reluctance of drivers to work late at night.

This is not just a local issue with similar problems reported across the country, with existing drivers reportedly leaving the industry and very few new entrants applying for licences.

Only 40 new Wyre driver licences were issued during this twenty-two month reporting period.

In contrast, 52 new driver licences were granted in 2018 and 44 were granted in 2019.

Licensing officers have also processed applications relating to licensed vehicles, drivers and operators as follows:

- 392 Hackney Carriage Vehicle Licences
- 186 Private Hire Vehicle Licences
- 273 Dual Driver Licences
- 23 Private Hire Operator Licences

3.4 Animal Welfare Licensing

Wyre has a variety of premises licensed for activities involving animals under the 2018 Regulations which fall into the following categories:

- 8 Dog breeders
- 11 Catteries
- 4 Boarding dogs in kennels
- 16 Home boarding for dogs
- 4 Dog day care
- 5 Selling animals as pets
- 5 Hiring horses
- 3 Exhibiting animals

Licences are granted for one, two or three years, depending on the star rating awarded by the inspecting officer.

During the reporting period, officers assessed 43 applications. 40 were granted, but officers refused to grant 3, where they were not satisfied that animal welfare standards could be adequately maintained by the applicant.

Wyre like many other Licensing Authorities has seen an increase in commercial dog breeders following the rise in demand for puppies during the various periods of lockdown.

Conversely, the lack of demand for animal boarding services has seen a number of these businesses close permanently, or licence holders have allowed licences to expire, in the hope that demand will return and they will apply for new licences in the months to come.

3.5 Miscellaneous Licensing/Permitting

Officers have also issued the following permits, consents and registrations:

- 26 Street Trading Consents
- 10 Registrations for skin piercing, tattooing electrolysis, etc.
- 9 Variations to Caravan site Licences
- 6 Temporary Pavement Licences
- 24 House to House Collection Permits
- 43 Street Collection Permits

4. Licensing Activity

4.1 Licensing Act 2003

Annual fee payments continue to be closely monitored by licensing officers and where Premises Licence holders fail to pay their annual fees, licensing officers suspend licences until such time as the fees are paid.

Generally such suspensions are very short lived, with outstanding monies paid promptly following a suspension notice, to allow the business to continue to trade, when the Coronavirus legislation permitted them to.

At the end of the reporting period, 21 premises licences were under suspension. Many of these businesses have closed, but licence holders will continue to attract liability for an annual fee under the Licensing Act 2003, unless or until they surrender the licence.

Most of the compliance work during the pandemic centred on educating the hospitality sector in partnership with Environmental Health officers about how and when each legislative change introduced by the Government, would impact on their ability to trade.

Compliance levels by this sector were extremely high with the vast majority of businesses working closely with the Environmental Health and Licensing service to ensure that they understood their responsibilities during each phase of the restrictions.

4.2 Gambling Act 2005

Written warnings have been issued to two licensed premises for providing facilities for gambling in the form of amusement with prizes (fruit) machines without the required authorisation.

Annual fees that are payable under the Gambling Act are also closely monitored by licensing officers, as the Act requires the licensing authority to revoke licences or permits, where licence holders fail to pay the annual fees on time. No gambling authorisations have been revoked during the reporting period for non-payment,

4.3 Hackney Carriage and Private Hire Regulation

One driver had their licence suspended by licensing officers as a result of information that the driver's health had deteriorated to the point that they would no longer be able to meet the Group 2 standard of fitness required of Wyre licensed drivers.

Stop Notices, which suspend a vehicle licence, continued to be issued by the MOT testers at Cope Road and licensing officers, where Hackney Carriages or private hire vehicles are deemed to be unfit to be used to transport members of the public on inspection. Once the vehicles are repaired and re-presented in an acceptable condition, the notice is lifted and licences restored.

4.4 Safety Screens for licensed vehicles

The allocation of monies within the Contain Outbreak Management Fund to supply safety screens for licensed vehicles meant licensing officers were able to offer a free screen with a fitting service provided over a weekend in June 2021 to each vehicle proprietor.

The council did not introduce a mandatory requirement for screens to be fitted in licensed vehicles, leaving the decision to have one up to individual vehicle proprietors.

4.5 Temporary Pavement Licences

The Business and Planning Act 2020 was introduced with very little lead in time over the summer of 2020 and created a completely new area of regulatory responsibility for Wyre Council.

The Bill was first presented to Parliament on 25 June 2020 and came into force on 22 July 2020, giving licensing officers just over a month to develop, have ratified and publish a policy including the fees to be charged, whilst developing an application process and consultation requirements for applications.

This new legislation provides a very streamlined application process for premises to get a temporary licence from the council to put tables and chairs onto adopted highway land adjacent to their premises such as pavements. Initially these licences were due to expire on 30 September 2021, but the provisions were extended for a further twelve months over the summer of 2021 by the Government.

Before this legislation was introduced, pavement cafe licences were issued by Lancashire County Council Highway Authority under section 7A of the Highways Act 1980 and Wyre Council had no involvement in the process.

Three premises currently operate under these temporary licences.

4.6 Freedom of Information Act requests

Licensing Officers have responded to 61 requests for information from members of the public and pressure groups submitted under the Freedom of Information Act.

There have been 29 requests relating to animal welfare, 20 relating to taxi and private hire regulation, 5 about alcohol and entertainment licensing, 3 about beauty treatments, 2 about scrap metal dealing, 1 about street trading and 1 about caravan site licensing.

Financial and legal implications	
Finance	No financial implications arising from this report.
Legal	No legal implications arising from this report.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3rd party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

dem/cou/cr/21/2910nb1