



Report of:	Meeting	Date
Councillor Peter Cartridge, Chairman of the Licensing Committee	Council	27 October 2022

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 September 2021 to September 2022 (inclusive).

2 Licensing Committee hearings

The Licensing Committee has met in person nine times.

In total it has considered and dealt with seventeen separate matters.

2.1 Licensing Act 2003

Four applications for new premises licences were referred to the Licensing Committee for determination, following objections by Responsible Authorities and/or residents, during the statutory consultation periods. In addition, one application for the review of a premises licence was submitted to the Licensing Committee.

The applications are summarised below:

- The Linden Tree Tea Room, 31 Linden Ave, Thornton Cleveleys, FY5 2EZ – granted for reduced hours and subject to additional conditions agreed with Environmental Health and the Police in advance of the hearing.
- RJ's Bar, Unit A, Jubilee Leisure Park, North Promenade, Thornton Cleveleys, FY5 1DB – Granted to authorise sale of alcohol for consumption on the premises between 11:30 hours and 00:00 hours of each week and provide recorded music indoors on Friday and Saturday nights until 00:00 hours.

- Thornton Cleveleys Football Club, Gamble Road, Thornton Cleveleys, FY5 4JH – Granted with reduced hours and subject to conditions previously agreed with Police and Environmental Health.
- 18 Breck Road, Poulton-le-Fylde - Granted as applied for together with the conditions agreed in advance with Lancashire Police and Environmental Health.

An application in respect of the following premises, submitted by Lancashire Police, sought review of an existing premises on the basis that the following Licensing Objectives had been undermined; *Prevention of crime and disorder, Prevention of public nuisance and Protection of children from harm.*

RJ's Bar, Unit A, Jubilee Leisure Park, North Promenade, Thornton Cleveleys, FY5 1DB – Premises licence revoked.

2.2 Gambling Act 2005

No matters have been referred to the Licensing Committee during the relevant reporting period.

2.3 Hackney Carriage and Private Hire licensing

Six applications for new dual driver licences were referred to the Licensing Committee during the relevant reporting period.

- Four applications were refused by the Licensing Committee on the grounds that the applicant was not considered to be a fit and proper person to hold such a licence.
- Two applications were granted by the Licensing Committee.

Additionally, one licensed driver was referred to Licensing Committee on the basis of allegations relating to their conduct during currency of their licence. Their licence was suspended for a period of six weeks by the Licensing Committee.

Two of the applicants refused by the Licensing Committee and the existing licence holder suspended for six weeks, chose to appeal against these decisions to the Magistrates Court. At the time of preparing this report Wyre Council has successfully defended its position in relation to two of the appeals with the final one due to be heard in November 2022.

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

3.1 Licensing Act 2003

There are currently 438 licensed premises in the borough and the council is the relevant licensing authority for 2,231 personal licence holders.

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

- 9 New premises licences
- 87 Variations to existing premises licences
- 17 Applications to transfer existing licences
- 74 New personal licences
- 38 Amendments to personal licences
- 165 Temporary Event Notices

3.2 Gambling Act 2005

The borough currently has

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

During the reporting period licensing officers issued two new or varied permits in respect of gambling permissions.

3.3 Taxi Licensing

The borough currently has 160 licensed hackney carriages and 96 licensed private hire vehicles, with vehicle licences issued for one year at a time.

Hackney carriage numbers are limited in the borough (limit considered during a tri-annual unmet demand survey referenced later in this report) and so proprietors have kept their vehicle licences current to protect their plate during the pandemic. Many of these vehicles and their drivers have now returned to work.

There is no equivalent restriction on the number of private hire vehicles that the council will licence. Historically there was a fleet of around 120 licensed private hire vehicles working across the borough at any given time, many of which relied on bookings for airport transfers as their main area of business. However, the onset of the COVID-19 pandemic created a rapid drop in demand for private hire services and directly coincided with approximately one quarter of private hire vehicle proprietors allowing their vehicle licence to expire.

It must be noted that holders of dual drivers licences issued by the council became eligible to claim for up to £1,500 in discretionary COVID-19 business grants. The grant scheme was specifically created during the pandemic to help meet the adverse effect on drivers caused by the numerous lockdown periods, restrictions and the rise of the Omicron variant and was a contribution towards fixed costs and loss of earnings. Thus, without the council's intervention, the impact on the industry could have been much worse.

By comparison to the previous reporting period there has been a slight increase in the number of licensed private hire vehicles and it may be that a continuation in the recovery of the foreign travel industry will increase numbers back towards where they were.

There are 34 Private Hire Operators licensed to trade in the borough and these licences are valid for five years from their respective dates of issue.

There were 386 dual driver licences current at the end of this reporting period and whilst the number remains stable it is still approximately one tenth lower than pre-pandemic numbers.

Overall, there is recognition that a lack of working drivers is having an impact on the availability of licensed vehicles to support the hospitality industry. This issue is now nationally recognised and whilst not unique to the borough it is still reportedly evident at weekends in relation to dispersal of patrons from late hours premises situated in Poulton, Fleetwood and Garstang.

35 new Wyre driver licences were issued during this reporting period. By contrast, 40 new driver licences were granted during the previous 22 month reporting period.

The Licensing Authority has processed applications relating to licensed vehicles, drivers and operators as follows –

- 193 Hackney Carriage Vehicle Licences
- 97 Private Hire Vehicle Licences
- 139 Dual Driver Licences
- 6 Private Hire Operator Licences

3.4 Animal Welfare Licensing

Wyre has a variety of premises licensed for activities involving animals under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Registrations fall into the following categories:

- 13 Dog breeders
- 11 Catteries
- 3 Boarding dogs in kennels
- 19 Home boarding for dogs
- 3 Dog day care centres

- 4 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 this reporting period, officers assessed 35 applications for the grant or renewal of licences. All 35 were granted on the basis that the appointed inspector was satisfied that animal welfare standards could be adequately maintained by the applicant.

The borough has experienced an increase in the number of licensed commercial dog breeders and this remains consistent with the situation across the country. The total number of licensed breeders has increased from 8 to 13 since September 2021. Additionally, the number of licences for the home boarding of dogs has increased by 3 from 16 to 19 throughout the same period. Registrations related to other activities have remained more or less the same.

3.5 Miscellaneous Licensing/Permitting

Officers have also issued the following permits, consents and registrations

- 13 Street Trading Consents
- 3 Registrations for skin piercing, tattooing electrolysis, etc.
- 2 Variations to Caravan site licences
- 5 Temporary Pavement Licences
- 18 House to House Collection Permits
- 32 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 speaking suspensions against alcohol licensed premises are short-lived because they stop a business from being able to trade. Thus, outstanding monies tend to be paid promptly following receipt of a suspension notice.

At the end of the reporting period, 23 premises licences were under suspension. However many of these businesses may have now closed because they have been unable to recover from the impact of the COVID-19 pandemic. Therefore, the actual number is subject to change and where a licence holder does not surrender their licence they will continue to attract liability for an annual fee under the Licensing Act 2003.

Most compliance work is now centred on investigating complaints relating the hospitality sector in partnership with Environmental Health officers and Lancashire Police. However, the overwhelming majority of businesses subject to complaints work hard with partnership agencies to address and remedy any concerns that have been raised about the manner in which they have been operating. Statistics firmly support this as only one existing alcohol licensed premises has required formal action to be taken against it during the relevant period.

4.2 Gambling Act 2005

The Statement of Gambling Policy for Wyre Council was reviewed and put before the Licensing Committee without revision in October 2021. The Licensing Committee agreed that the existing policy remained fit for purpose and recommended that the matter be put before Council so the policy could remain in place from 1 April 2022.

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

The Licensing Authority consulted on a revised policy covering the regulation of hackney carriages, private hire vehicles, their drivers and operators in the spring of 2021. The outcome of the consultation was reported to the Licensing Committee on 27 September 2021 and members resolved that the revised policy be approved without alteration to take effect from 1 April 2022. The revised policy aligns matters such as our stance on criminal and motoring convictions directly with Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport in July 2020.

The council has undertaken the tri-annual unmet demand survey, which is required because it limits the number of hackney carriage vehicles it licenses. The current limit is 160 and has been for many years.

The final report from CTS Traffic and Transportation, who have been commissioned to undertake the study, is expected in October, after which time the Licensing Committee will consider the findings.

As outlined previously one licensed driver had their licence suspended by the Licensing Committee following complaints about their conduct whilst working in this capacity. The decision of the Committee was appealed by the licence holder but the Magistrates Court refused the appeal. No other existing licence holders have required formal action to be taken against them during the relevant period.

Stop Notices, which suspend a vehicle licence, continue to be issued by the MOT testers at Copse Road and licensing officers during compliance

checks. The purpose of suspending vehicle licences for hackney carriages or private hire vehicles in this manner is because those vehicles have been inspected and have been deemed to be unfit to be used to transport members of the public on inspection. Conversely, once a vehicle is repaired and re-presented in an acceptable condition, the notice is lifted and licence restored.

4.4 Temporary Pavement Licences

As reported in 2021, The Business and Planning Act 2020 was introduced with very little lead time during June and July of 2020. Following its introduction it created a completely new area of regulatory responsibility for the Council.

A bill proposing this legislation was first presented to Parliament on 25 June 2020 and the act 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 obtain 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. The subsequent extension period was due to conclude on 30 September 2022 but the provisions were again extended until 30 September 2023. This is in line with amendments made to the Licensing Act 2003 that create a provision for off sales of alcohol for qualifying alcohol licensed premises.

The number of premises currently operating with a temporary pavement licence is outlined at section 3.5 of this report.

4.5 Freedom of Information Act requests

Licensing Officers have responded to 34 requests for information from members of the public and pressure groups submitted under the Freedom of Information Act 2000.

There have been 19 requests relating to animal welfare, 6 relating to taxi and private hire regulation, 4 about alcohol and entertainment licensing, 1 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

None.