



Report of:	Meeting	Date
Chairman of the Licensing Committee, Cllr Colette Birch	Council	26 October 2023

Periodic Report – Licensing

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 2022 to September 2023 (inclusive).

2. Licensing Committee hearings

- 2.1 The Licensing Committee has met in person 11 times.

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

2.2 Licensing Act 2003

One application for the review of an existing premises licence and one objection to a Temporary Event Notice by a Responsible Authority were put before the Licensing Committee during this reporting period.

These matters are summarised below:

- Fleetwood Food and Wine / West End News PL(A)0013 of 19 Shakespeare Road, Fleetwood FY7 7HQ. Application for review submitted by Lancashire Police on basis Licensing Objectives of *Prevention of crime and disorder and Protection of children from harm had been undermined*.
DECISION - The Committee accepted the proposed conditions 1-10 from Lancashire Constabulary, and also accepted conditions 10 and 11 proposed by the appellant (set out in the below schedule). However, in ensuring the promotion of the licensing objectives, **agreed** to suspend the licence for three months to ensure that the premises could implement the agreed conditions. The applicant appealed the decision to the magistrates' court. Pending appeal, the length of the suspension was mediated between the parties and a lesser period of six weeks suspension

was agreed, which was subsequently approved by the magistrates' court.

- Temporary Event Notice intended to cover activities at Lancashire College of Agriculture, St Michaels Road, Bilsborrow on 24th and 25th June 2023. The matter was put before committee following an objection from Nick Clayton of the Environmental Health team at Wyre Council. Decision – The Committee agreed with the objection and resolved to issue a counter notice to prevent the event from going ahead. In reaching their decision the committee stated their support for the event and understood its nature as a fundraising event for the organisation, but accepted the concerns raised by the environmental health officer about potential noise which could not be adequately controlled via the TEN's process and was likely to cause a public nuisance. It was considered that a premises licence be more appropriate to allow for conditions to alleviate concerns.

2.3 Gambling Act 2005

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

2.4 Hackney Carriage and Private Hire licensing

One application for a new dual driver licence was referred to the Licensing Committee during the relevant reporting period. The application was refused by the Licensing Committee on grounds that the applicant was not considered to be a fit and proper person to hold such a licence.

Two licensed drivers had to be referred to Licensing Committee on the basis of they had knowingly used vehicles for licensed work whilst there was no vehicle licence in place or valid MOT Certificate. One of the drivers received a 3 month licence suspension and the other was issued with a final written warning.

Additionally, 6 vehicle applications (4 private hire and 2 hackney carriage) were referred to Licensing Committee because they fell outside the current Hackney Carriage and Private Hire Licensing Policy for Wyre Council on basis of emissions standard. All six vehicle applications were granted.

On 28 March 2023 Committee considered the findings and recommendations of the unmet demand survey as presented by Ian Millership of LVSA. Following discussion, members acknowledged the conclusions of the unmet demand survey and agreed to reaffirm the council's position to continue to limit the number of hackney carriage licences to 160.

On 25 April 2023 Committee also considered and approved another request from the licensed trade to increase the existing hackney carriage tariff.

At the time of preparing the previous report Wyre Council was due to defend its position in relation to an appeal against the decision of the Licensing Committee to refuse to grant a Wyre Dual Licence. The magistrates overturned the decision of the Committee and awarded costs against the Council at the hearing in November 2022.

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

3.1 Licensing Act 2003

There are currently 412 licensed premises in the Borough and the council is the relevant licensing authority for 2,267 personal licence holders.

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

- 12 New premises licences
- 54 Variations to existing premises licences
- 18 Applications to transfer existing licences
- 92 New personal licences
- 39 Amendments to personal licences
- 258 Temporary Event Notices

3.2 Gambling Act 2005

The Borough currently has

- 9 Betting shops
- 2 Bingo premises
- 10 Adult Gaming Centres
- 1 Licensed Family Entertainment Centres
- 6 Family Entertainment Centre permits
- 26 Licensed premises gaming machine permits (3 or more machines)
- 53 Licensed premises gaming machine notification (up to 2 machines)
- 13 Club machine permits
- 1 Club gaming permit
- 2 Prize gaming permits
- 147 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 89 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 triennial unmet demand survey referenced 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. Approximately one quarter of private hire vehicle proprietors allowed their vehicle licences to expire and the number of licensed vehicles has dropped by seven since the previous report.

There are 36 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 385 dual driver licences current at the end of this reporting period and whilst the number remains stable against last year it is still approximately one tenth lower than pre-pandemic numbers.

Overall, there remains 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.

34 new Wyre driver licences were issued during this reporting period. By contrast, 35 new driver licences were granted during the previous 12 month reporting period.

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

- 214 Hackney Carriage Vehicle Licences
- 102 Private Hire Vehicle Licences
- 139 Dual Driver Licences
- 7 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:

- 12 Dog breeders
- 11 Catteries
- 3 Boarding dogs in kennels
- 18 Home boarding for dogs
- 4 Dog day care
- 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 21 applications for the grant or renewal of licences. All have been granted on the basis that the appointed inspector was satisfied that animal welfare standards could be adequately maintained by the applicant.

The Borough had previously experienced a sharp increase in the number of licensed commercial dog breeders and this was consistent with the situation across the country. However, the total number of licensed breeders has decreased by 1 since the last reporting 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

- 8 Street Trading Consents
- 4 Registrations for skin piercing, tattooing electrolysis, etc.
- 5 Variations to Caravan site licences
- 7 Temporary Pavement Licences
- 16 House to House Collection Permits
- 30 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 this reporting period, 20 premises licences are under suspension with a further seven at imminent risk of being so. However many of these businesses may have now closed because they have been unable to recover from the economic damage caused by 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. Five gambling authorisations have been revoked during the reporting period for non-payment. All of these were Small Society Lottery registrations.

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 the stance on criminal and motoring convictions directly with Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport in July 2020. At the time of producing this report the current policy is subject of review.

The council has undertaken the triennial 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 were

commissioned to undertake the study, was presented to Licensing Committee in March 2023. The decision of the Licensing Committee is listed at 2.3 of this report.

As outlined previously one licensed driver had their licence suspended by the Licensing Committee and another received a final written warning. 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 and 2022, 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. This gave 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. Government have since extended the provision again until at least 31 March 2025. 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 20 requests for information from members of the public and pressure groups submitted under the Freedom of Information Act 2000.

There have been 10 requests relating to animal welfare, 6 relating to taxi and private hire regulation, 2 about alcohol and entertainment licensing, 1 about general licensing and 1 about caravan site licensing.

Financial, Legal and Climate Change implications	
Finance	No financial implications arising from this report.
Legal	No legal implications arising from this report.
Climate Change	No climate change 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 a x.

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

risks/implications	✓ / x
asset management	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 third 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