



<b>Report of:</b>	<b>Meeting</b>	<b>Date</b>	<b>Item No.</b>
Chairman of the Licensing Committee, Cllr Julie Robinson	Council	18 October 2018	8

## **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 November 2017 to September 2018 (inclusive).

### **2 Licensing Committee hearings**

The Licensing Committee has met 10 times, and Licensing Sub Committees have met three times, during this reporting period, dealing with a total of 23 matters.

#### **2.1 Licensing Act 2003**

3 applications for new premises licences and 1 application to vary an existing premises licences, have been determined by the Committee, following objections by Responsible Authorities and/or residents, during the statutory consultation period.

The three applications for new Premises Licences are summarised below.

- Stocks and Shilling, Poulton - Granted subject to additional conditions.
- Drover's Mews, Garstang - Granted but with reduced hours of operation and subject to additional conditions.
- The Alley, Poulton – Granted.

The following application sought to vary an existing premises licence to extend the hours.

- Truth, Poulton – Granted subject to additional conditions

In addition there was one review application from the Police in respect of the premises trading as Today's Local, Lord Street, Fleetwood. This review was brought, in response to test purchase failures and an explosion in the shop

which injured a member of staff. During the consultation period Trading Standards highlighted further concerns about a seizure of illicit vodka from the store and the Fire Service highlighted their concerns about failures to address fire safety concerns.

The Committee heard evidence from representatives of each of the five Responsible Authorities which supported the Police's application and determined to revoke the licence.

The management of Today's Local appealed the decision to the Magistrates and were able to continue trading until the appeal was determined. During the currency of the appeal the premises failed a further test purchase.

There was a two day hearing at Manchester Magistrates in June 2018, during which officers from the Council's Licensing and Environmental Health Teams, along with our partners from Lancashire Constabulary, Lancashire Fire and Rescue and Trading Standards, all attended to give evidence.

At the end of the hearing the Judge upheld the Committee's decision, dismissed the appeal and awarded £5,923 in costs to the Council.

The outstanding appeal in respect of the Glasshouse, Bispham Road, Thornton Cleveleys which had been listed for hearing at Manchester Magistrates Court on 4 December 2017, was withdrawn following a compromise agreement being reached by the parties involved.

## **2.2 Taxi/private hire drivers**

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

- two were granted three year licences.
- five were granted one year licences.
- three were refused owing to their previous criminal and motoring offences.

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

- one had his licence suspended for seven days.
- one had his licence suspended for fourteen days.
- one had his licence revoked as he was deemed no longer a fit and proper person to hold a Wyre Driver's Licence.

The last case is subject to an appeal in the Magistrates Court, which has been listed for 21 November 2018.

### **3. Licences/permits/registrations issued by the Licensing Team**

#### **3.1 Licensing Act 2003 applications**

- 17 New Premises Licences
- 79 Variations to existing Premises Licences
- 18 Applications to transfer Personal Licences
- 84 New Personal Licences
- 50 Amendments to Personal Licences
- 241 Temporary Event Notices

#### **3.2 Miscellaneous Licensing/Permitting**

- 19 Home Boarding Establishments
- 14 Animal Boarding Establishments
- 2 Dog Crèches (Day Boarding Establishments)
- 4 Dog Breeders
- 7 Pet Shops
- 6 Riding Establishments
- 18 House to House Collection Permits
- 44 Street Collection Permits
- 9 Street Trading Consents
- 4 Scrap Metal Collection Licences
- 1 Skin Piercing Registrations
- 2 Tattoo Artist Registrations

#### **3.3 Taxi Licensing**

- 317 Vehicle Licences (private hire and hackney carriage)
- 187 Dual Driver Licences
- 6 Private Hire Operator Licences

#### **3.4 Gambling Act 2005**

- 13 Betting Shop
- 1 Bingo Premises
- 4 Adult Gaming Centre
- 1 Family Entertainment Centres
- 21 Licensed premises gaming machine permits, 3 to 5 machines
- 82 Licensed premises gaming machine notification, up to 2 machines
- 148 Small Society Lottery Registrations

### **4. Licensing activity**

#### **4.1 Licensing Act 2003**

There are two active Pubwatch groups in the borough. Poulton meet on a monthly basis and Garstang meets quarterly. The Fleetwood Pubwatch disbanded owing to a lack of support. These groups are supported by the

Licensing Enforcement Officer, who regularly attends the meetings.

Annual fee payments continue to be closely monitored by Licensing Team 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, and in many cases suspensions are lifted on the same day.

At the time of writing, 13 Premises Licences are under suspension. None of these businesses are trading at the moment, but as the licence holders have not surrendered their licences, the businesses continue to attract an annual fee.

## **4.2 Gambling Act 2005**

A number of betting shop inspections in partnership with the Gambling Commission were undertaken over the summer. Whilst on the whole these premises were found to be well run and meeting all their legal obligations, a small percentage were unable to produce the required Local Area Risk Assessment at the time of the inspection. Each one subsequently produced a risk assessment to the satisfaction of Licensing Officers.

## **4.3 Hackney Carriage and Private Hire Regulation**

**4.3.1** The Licensing Authority consulted on a new policy covering the regulation of Hackney carriages, Private Hire vehicles, their drivers and operators at the beginning of the year. The new policy also introduced a much more stringent position in terms of how criminal and motoring offending behaviour among applicants and licensed drivers will be considered.

In March the Committee agreed a number of revisions to the draft policy to reflect responses to the consultation and agreed to adopt the new policy from 1 April 2018.

**4.3.2** From 1 April 2018 all licensed vehicles must now be presented to the council's Copse Road Depot for their annual compliance test. Previously the council relied on a preferred supplier at Burn Naze Garage to undertake this testing.

Stop Notices have been issued in respect of three vehicles which were found to be in a dangerous condition on presentation for the annual compliance test. Each vehicle was subsequently repaired and the licence restored.

Between 1 April and the time of writing this report, ten vehicles have failed the MOT element of the compliance test, due to braking, steering, suspension or tyre issues. The vehicle proprietors concerned have been advised they must present their vehicles for testing again in six months.

Now that the testing is being undertaken in-house, the suitability of some of the currently licensed fleet is raising concern among officers. Vehicle conditions are therefore being closely monitored and officers will consider the issue further next April, once 12 months of data is available, with a view to recommending a course of action to address this, to the Licensing Committee next year.

- 4.3.3** The council is currently undertaking 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.

Early indications are that there may be an element of unmet demand during the night time hours, particularly to service the clientele leaving late night venues in Poulton and Fleetwood.

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

- 4.3.4** Two driver licences have been revoked by the Head of Environmental Health and Community Safety, under delegated powers, following investigations by Licensing Officers.

The first case involved a licensed driver who was convicted of fraud and received a 10 month suspended sentence which he failed to report to the Licensing Authority.

The second case involved a licensed driver who received a Police caution for theft from an employer and failed to report this to the Licensing Authority.

Officers were satisfied on the evidence before them that both drivers' conduct fell well below the standards of behaviour required of licensed drivers, to the extent that they could no longer be considered fit and proper to hold Wyre drivers Licences.

The second driver appealed the decision and the matter was heard at Blackpool Magistrates on 16.05.18, when his appeal was dismissed and costs awarded to the council.

A summary of all of the regulatory sanctions issued in respect of Hackney Carriage and Private Hire trade licensed by Wyre during the reporting period is attached at Appendix 1.

## 4.4 General

- 4.4.1** Licensing officers have responded to a total of 33 requests for information from members of the public and pressure groups submitted under the Freedom of Information Act.

There have been 15 requests relating to animal welfare, 10 relating to taxi and private hire regulation, three about caravan licensing, three about alcohol and entertainment licensing, two about street trading, one about sex shops, one about sexual entertainment venues and one about fireworks.

- 4.4.2** Licensing officers have worked to ensure that the requirements of the General Data Protection Regulations 2018 have been embedded into all aspects of Wyre's licensing activity. This has necessitated revising the section's retention policy, destroying historic records containing personal data in accordance with the revised retention policy and amending over 50 separate application forms covering every element of licensing activity.

- 4.4.3** An individual from Bolton who was found selling from an ice cream van in Over Wyre without the required Street Trading Consent was issued with a Simple Caution in June 2018 at the conclusion of an investigation by Licensing Officers.

- 4.4.4** The Government introduced the Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018, earlier this year, which will significantly change the way that the council licences and regulates animal businesses after 1 October 2018.

Licensing Committee considered the matter in September and approved a schedule of revised fees for animal licences.

<b>Financial and legal implications</b>	
Finance	No financial implications with this report.
Legal	No legal implications with 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
data protection	x

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

### **List of appendices**

Appendix 1 – Taxi Licensing – Formal Sanctions/Enforcement Log

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### **Taxi Licensing - Formal Sanctions / Enforcement Log**

<b>Date</b>	<b>Licence</b>	<b>Officer/GLC</b>		<b>Sanction details</b>	<b>Sanction lifted/outcome</b>
30.11.17	WDL0650	GLC	Suspended	1 week (22 to 29 Dec incl)	N/A
19.12.17	WDL0046	Officer	Revoked	Failure to disclose Fraud conviction with suspended 10 month sentence	N/A
19.12.17	WDL0365	Officer	Written warning	Failure to disclose points for motoring offence	
15.01.18	WDL0340	Officer	Suspended	Cheque bounced and failed to make alternative payment on request	15.01.17 - Paid after suspension notified
18.02.18	WDL0866	Officer	Revoked	Failure to disclose theft caution and £15k reparation payment	Appeal dismissed Blackpool Mags 16.05.18
10.04.18	WDL0452	Officer	Written warning	Failure to disclose points for motoring offence	
10.04.18	WDL0450	Officer	Written warning	Failure to disclose points for motoring offence	
22.05.18	WDL284	Officer	Written warning	Allegations of drug use	
30.05.18	PHO180004	Officer	Suspended	Not in Wyre at moment, plans to move back to Wyre address later this year	
04.06.18	PHV0726	Officer	Suspended	S.68 Stop Notice issued by MOT tester	07.06.18
29.06.18	WDL0205	Officer	Suspended	Failed Group 2 Medical - Awaiting cataract surgery	
04.07.18	HCV0049	Officer	Suspended	S.68 Stop Notice issued by MOT tester	04.07.18
20.08.18	PHV0680	Officer	Suspended	S.68 Stop Notice issued by MOT tester	
28.08.28	WDL0440	Officer	Suspended	Fail to meet Group 2 standard - awaiting surgery	
16.08.18	WDL0342	GLC	Revoked	Arrest on suspicion on manslaughter	Appeal Mags 21.11.18
30.08.18	WDL	GLC	Suspended	2 weeks (28 Oct - 11 Oct incl)	