



Report of:	Meeting	Date
Councillor Julie Robinson, Chairman of the Licensing Committee	Council	14 November 2019

## 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 2018 to September 2019 (inclusive).

### 2 Licensing Committee hearings

The Licensing Committee has met nine times and Licensing Sub Committees have met twice, during this reporting period. A total of twenty two matters have been dealt with.

#### 2.1 Licensing Act 2003

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

The two applications for new premises licences are summarised below:

- The Park Club, 2A West Drive, Thornton Cleveleys - granted subject to additional conditions
- Biviano's, 25 Breck Road, Poulton – granted

The following application sought to vary an existing premises licence to extend the hours on Thursdays:

- The Cube, Breck Road, Poulton – granted subject to additional conditions

#### 2.2 Gambling Act 2005

The Committee considered the revised Statement of Gambling Policy 2019-2021 and following a full public consultation exercise recommended the Policy to Council for adoption.

One application to increase the number of gaming machines permitted in the Newton Arms was referred to the Committee in accordance with the Council's published policy. The variation was granted.

### **2.3 Taxi/private hire licensing**

The Committee considered one application to increase the number of permitted passengers in a vehicle, which was granted after members viewed the vehicle in question.

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

- Four were granted three year licences.
- Two were granted one year licences.
- One was refused due to their previous criminal and motoring offences.

In addition seven 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 five years.
- One had their licence suspended for one month
- One had their licence suspended for two months with a requirement for some additional training
- Three had their licences revoked as they were no longer considered to be fit and proper to hold a Wyre Driver's Licence.

The driver issued with a one month suspension appealed to the Magistrates Court which upheld his appeal on 27 March 2019. The Council was able to resist the application for costs that the driver's solicitor submitted, with the Magistrates deciding that both parties be responsible for their own costs.

The outstanding appeal reported in the last periodic report, was heard on 21 November 2018 by Blackpool Magistrates. The court dismissed the appeal and directed the appellant to pay £500 towards the Council's costs.

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

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

- 13 New premises licences
- 97 Variations to existing premises licences
- 20 Applications to transfer existing licences
- 66 New personal licences
- 37 Amendments to personal licences
- 305 Temporary Event Notices

### **3.2 Gambling Act 2005**

- 11 Betting shops
- 1 Bingo premises
- 4 Adult Gaming Centres
- 1 Family Entertainment Centre
- 22 Licensed premises gaming machine permits (3 to 5 machines)
- 83 Licensed premises gaming machine notification (up to 2 machines)
- 143 Small Society Lottery Registrations

### **3.3 Taxi Licensing**

- 380 Vehicle Licences (private hire and hackney carriages)
- 148 Dual Driver Licences
- 4 Private Hire Operator Licences

### **3.4 Animal Welfare Licensing**

- 6 Boarding dogs in kennels
- 14 Catteries
- 21 Home boarding for dogs
- 3 Dog day care
- 5 Dog breeders
- 6 Selling animals as pets
- 5 Hiring horses
- 1 Exhibiting animals

### **3.5 Miscellaneous Licensing/Permitting**

- 12 Street Trading Consents
- 3 Skin Piercing Registrations
- 1 Tattoo Artist Registration
- 1 Campsite Licence
- 17 House to House Collection Permits
- 39 Street Collection Permits

## **4. Licensing Activity**

### **4.1 Licensing Act 2003**

- 4.1.1** 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, and in many cases are lifted on the same day.

At the time of writing, eleven premises licences are under suspension. None of these businesses are trading at the moment but until the licence holders surrender their licences they will

continue to attract an annual fee.

- 4.1.2** At the conclusion of an investigation into the unlawful supply of alcohol one individual has been issued with a Simple Caution for selling alcohol to a licensing officer outside the hours permitted by their licence.
- 4.1.3** There are two active Pubwatch groups in the Borough. Poulton meet on a monthly basis and Garstang meets quarterly. Both of these voluntary trade groups are supported by the licensing enforcement officer, who regularly attends the meetings.

## **4.2 Gambling Act 2005**

- 4.2.1** Over the Easter period licensing officers worked with colleagues from the Gambling Commission, Police and Trading Standards on a test purchase operation. Unlike traditional gambling test purchasing where child volunteers attempt to place a bet in high street betting shops, this operation involved sending a fifteen year old into licensed public houses with adults, to see if the child was able to play on category C gaming machines unchallenged.

This is the first time that any work has been done in Wyre to assess the level of compliance in pubs and clubs in respect of gaming machines and the results were poor with six of the eight premises visited failing to challenge the child volunteer.

The public house that had successfully applied earlier in year to increase the number of gaming machines they were permitted to have challenged the child volunteer as soon as he tried to insert a coin into the machine.

The Gambling Commission confirmed that in recent months, gaming machine tests like this one, across the North West, had seen similar failure levels with a number of operations having 100% failure rates.

Follow up work has been undertaken with each of the premises that failed to raise awareness of the need to actively monitor the use of gaming machines in their premises and provide refresher training for all staff.

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

- 4.3.1** The final report from CTS Traffic and Transportation, who were commissioned to undertake the tri-annual unmet demand survey over the summer of 2018, was considered by the Committee in January 2019. The Committee resolved to retain the existing limit of 160 Hackney Carriage Licences.

The report concluded that whilst there was no significant unmet demand for Hackney Carriage services within the Borough, there appears to be a reduction in the numbers of drivers willing to service the early hours of Sunday morning, when Poulton in particular, is seeing an increased demand for hackney carriages from people enjoying the variety of night time venues that the town has to offer.

Anecdotal evidence from licensed drivers highlighted concerns for their safety, particularly late at night at the weekend.

- 4.3.2** In the run up to the Christmas 2018 period, licensing officers worked closely with the town's Pubwatch and were able to encourage them to collectively fund and employ taxi marshals to oversee the safe dispersal of people from the town centre during the festive season.
- 4.3.3** Five drivers have had their licences suspended by licensing officers as a result of information in each case that the driver's health had deteriorated to the point that they were no longer able to meet the Group 2 standard of fitness required of Wyre licensed drivers.
- 4.3.4** A vehicle proprietor who was late submitting an application to renew his vehicle licence and yet continued to ply for hire in the Hackney Carriage for a number of days when it was unlicensed was issued with a Simple Caution for the offence.
- 4.3.5** A second vehicle proprietor who continued to use his vehicle to transport paying passengers, after being issued with a Stop Notice that suspended the vehicle licence, was reported to Magistrates for the offence of using an unlicensed vehicle using the single justice procedure. He pleaded guilty to the offence and was ordered to pay a total of £274 in fines and costs.
- 4.3.6** Stop Notices have been issued in respect of thirty three vehicles which were deemed to be unfit to be used for public or private hire on inspection by authorised officers. Two vehicles were replaced and the remaining thirty one were repaired and re-presented in an acceptable condition and so the licences were restored.
- 4.3.7** A summary of all of the regulatory sanctions issued in respect of the Hackney Carriage and Private Hire trade during the reporting period is attached as **Appendix 1**.

## 4.4 Animal Welfare Licensing

**4.4.1** The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1 October 2018. Implementing and embedding the requirements of the new regulations was a time consuming and resource intensive task. Officers from the Council's Environmental Health Service have received training to enable them to undertake the comprehensive inspections required under the new regulations.

**4.4.2** Of the sixty one licensable activities authorised during the reporting period, twenty one were awarded the highest five star rating, six were awarded four stars, twenty were awarded three stars, four were awarded two stars and nine were awarded one star. The exhibiting animals licence is not subject to the star rating system.

## 5. General

**5.1** Licensing officers have responded to one subject access request and thirty requests for information from members of the public and pressure groups submitted under the Freedom of Information Act.

There have been ten requests relating to animal welfare, nine relating to taxi and private hire regulation, six about alcohol and entertainment licensing, three about beauty treatments, one about street trading and one about sexual entertainment 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 3<sup>rd</sup> 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.

report author	telephone no.	email	date
Niky Barrett	01253 887236	Niky.barrett@wyre.gov.uk	15/10/2019

<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

### **List of appendices**

Appendix 1 – Summary of enforcement sanctions

dem/cou/cr/19/1411 Item 11

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

## **APPENDIX 1**

<b><i>Date</i></b>	<b><i>Licence</i></b>		<b><i>Decision</i></b>	<b><i>Details</i></b>	<b><i>Sanction lifted/outcome</i></b>
30.8.18	WDL---	GLC	Refused to grant	Convictions for dishonesty	Appeal dismissed B'pool Mags 2.1.19
29.11.18	WDL0597	GLC	Revoked	Conduct issues	N/A
19.12.18	WDL438	GLC	Suspended 1 mth	Conduct issues	Appeal upheld B'pool Mags 27.3.19
28.3.19	WDL0650	GLC	Revoked	Conduct issues	N/A
28.3.19	WDL---	GLC	Refused to grant	Convictions for dishonesty and violence	N/A
29.8.19	WDL0284	GLC	Revoked	Conduct issues	N/A
14.8.19	PHV1261	Officer	Written warning	Vehicle livery non-compliant	N/A
27.9.18	WDL0240	Officer	Suspended	Fail to meet Group 2 standard	3.12.18
2.10.18	HCV070	Officer	Suspended	S.68 Stop Notice issued by MOT tester	4.10.18
9.10.18	WDL0353	Officer	Written warning	Inappropriate comments to female PHO staff	N/A
2.11.18	WDL0227	Officer	Written warning	Dangerous Parking outside a primary School	N/A
1.11.18	PHV780	Officer	Suspended	S.68 Stop Notice issued by MOT tester	Replaced vehicle
5.11.18	PHV686	Officer	Suspended	S.68 Stop Notice issued by MOT tester	5.11.18
8.11.18	PHV1447	Officer	Suspended	S.68 Stop Notice issued by MOT tester	12.11.18
9.11.18	WDL0768	Officer	Written warning	Failure to disclose points for motoring offence	N/A
19.11.18	HCV137	Officer	Suspended	S.68 Stop Notice issued by MOT tester	19.11.18
30.11.18	WDL0197	Officer	Written warning	Failure to disclose points for motoring offence	N/A
13.12.18	HCV052	Officer	Suspended	S.68 Stop Notice issued by MOT tester	13.12.18
18.12.18	WDL0378	Officer	Suspended	Fail to meet Group 2 standard	29.1.19
14.1.19	HCV145	Officer	Suspended	S.68 Stop Notice issued by MOT tester	15.1.19
25.1.19	PHV1336	Officer	Suspended	S.68 Stop Notice issued by MOT tester	5.2.19
28.1.19	WDL0035	Officer	Suspended	Fail to meet Group 2 standard	
28.1.19	WDL0416	Officer	Suspended	Fail to meet Group 2 standard	16.7.19
4.3.19	PHV1227	Officer	Suspended	S.68 Stop Notice issued by MOT tester	Replaced vehicle
5.3.19	WDL0284	Officer	Written warning	Left HCV unattended on Ball Street rank	N/A
7.3.19	PHV1651	Officer	Suspended	S.68 Stop Notice issued by MOT tester	7.3.19
15.3.19	WDL0988	Officer	Written warning	Unlawful parking in Knott End	N/A
25.3.19	PHV1391	Officer	Suspended	S.68 Stop Notice issued by MOT tester	25.3.19



<b>Date</b>	<b>Licence</b>		<b>Decision</b>	<b>Details</b>	<b>Sanction lifted/outcome</b>
16.4.19	PHV1662	Officer	Suspended	S.68 Stop Notice issued by MOT tester	17.4.19
10.5.19	PHV1376	Officer	Suspended	S.68 Stop Notice issued by MOT tester	14.5.19
24.5.19	HCV159	Officer	Suspended	S.68 Stop Notice issued by MOT tester	25.5.19
6.6.19	HCV052	Officer	Suspended	S.68 Stop Notice issued by MOT tester	7.6.19
6.6.19	PHV738	Officer	Suspended	S.68 Stop Notice issued by MOT tester	10.6.19
7.6.19	PHV1526	Officer	Suspended	S.68 Stop Notice issued by MOT tester	11.6.19
7.6.19	WDL0714	Officer	Simple Caution	Continued to ply for hire after HCV expired	N/A
7.6.19	PHV726	Officer	Suspended	S.68 Stop Notice issued by MOT tester	10.6.19
19.6.19	HCV067	Officer	Suspended	S.68 Stop Notice issued by MOT tester	19.6.19
20.6.19	PHV1685	Officer	Suspended	S.68 Stop Notice issued by MOT tester	3.7.19
17.7.19	PHV1401	Officer	Suspended	S.68 Stop Notice issued by MOT tester	18.7.19
24.7.19	PHV1261	Officer	Suspended	S.68 Stop Notice issued by MOT tester	26.7.19
24.7.19	PHV1513	Officer	Suspended	S.68 Stop Notice issued by MOT tester	29.7.19
6.8.19	PHV1336	Officer	Suspended	S.68 Stop Notice issued by LO	6.8.19
8.8.19	PHV1147	Officer	Suspended	S.68 Stop Notice issued by MOT tester	9.8.19
9.8.19	PHV1374	Officer	Suspended	S.68 Stop Notice issued by MOT tester	9.8.19
19.8.19	PHV1322	Officer	Suspended	S.68 Stop Notice issued by MOT tester	22.8.19
20.8.19	PHV1282	Officer	Suspended	S.68 Stop Notice issued by MOT tester	22.8.19
20.8.19	WDL0407	Court	Prosecution	Drove passengers in PHV under Stop Notice	£76 fine, £30 vic surcharge, £168 cost
21.8.19	WDL0402	Officer	Written warning	Complaints about aggressive behaviour	N/A
23.8.19	HCV120	Officer	Suspended	S.68 Stop Notice issued by MOT tester	23.8.19
3.9.19	WDL0568	Officer	Suspended	Unable to meet Group 2 standard	
10.9.19	HCV140	Officer	Suspended	S.68 Stop Notice issued by MOT tester	12.9.19
10.9.19	PHV1573	Officer	Suspended	S.68 Stop Notice issued by MOT tester	11.9.19
13.9.19	WDL0453	Officer	Suspended	DVLA Licence expired 07/09/19	24.9.19
25.9.19	PHV1430	Officer	Suspended	S.68 Stop Notice issued by MOT tester	26.9.19
25.9.19	PHV1496	Officer	Suspended	S.68 Stop Notice issued by MOT tester	25.9.19
30.9.19	PHV1495	Officer	Suspended	S.68 Stop Notice issued by MOT tester	30.9.19