

LICENSING COMMITTEE

Date: 24 January 2019

QUARTERLY LICENSING COMMITTEE UPDATE

Report Submitted by: Rachel Jowitt, Chief Officer Neighbourhoods, Planning and Public Protection

Report Written by: Alison Hughes, Licencing Manager, Planning and Public Protection Service

1. Area Affected

1.1 All areas of the County Borough

2. Purpose of Report

2.1 To update the Committee on the work of the Licensing Team for the third quarter of 2018/19, i.e. October - December 2018

3. Recommendation(s)

- 3.1
1. That the committee note the activity report for this quarter, and
 2. That the committee note and comment on the contents of this report.

4. Background

4.1 This report is to update the committee on the work of the Licensing Team, which includes licences issued, complaints and service requests received and other activities completed in the third quarter of 2018/19, i.e. October - December 2018. Overall workload figures for this quarter are attached as Appendix 1.

The report is broken down into two main sections, namely operational and management matters.

5. Issues and Findings - Operational Matters

5.1 Alcohol and Entertainment

5.1.1 There were 13 complaints received in this quarter. Two complaints were received in relation to allegations that the premises were allowing persons under the age of 18 years of age to consume alcohol on the premises. The premises were visited, policies and procedures checked and advice was given. One of the premises

believed the complaint to be malicious as a member of the public had recently been banned from the premises.

Other complaints received included a breach of the mandatory licensing conditions (a request for a small measure of wine being refused), noise from a local Bingo Hall and the conduct of a licence holder whilst under the influence of alcohol. Advice has been given in all cases.

5.1.2 A complaint was received in relation to a licensed premises displaying a poster which was seen as inciting racial hatred. The premises was visited and advice given. Despite the article being removed, the complainant made a further complaint stating that the poster had been put back up, and the complaint has now been passed to the Police.

5.1.3 A complaint was received alleging that a rave was going to take place in a local members club, and had been advertised on social media. The club holds a club premises certificate and it was too late for the club to apply for a Temporary Events Notice (TEN). The club was contacted and advised in relation to breaching the terms of the certificate and potential noise nuisance issues. The representative of the club advised that he would make the event a member's only event and would refund the ticket price to non-members. He also confirmed that 3 licensed SIA doorpersons would be present at the event. The event passed without any complaints being made to any responsible authority.

The Licensing Officer had cause to speak to the club two weeks previously to advise of a function that was being advertised on social media that would require a TEN. The Officer is now working with the club to obtain a premises licence.

5.1.4 The Licensing Officer received a complaint about the running of a members club which holds both a club premises certificate and a premises licence. This complaint has taken some time to investigate due to the complexity of the running of a members club. Information in relation to AGM meetings and the clubs constitution has been sought and the investigation is close to finalisation. The Committee will be updated at the next meeting.

5.1.5 The Licensing Officer took part in a joint operation with Trading Standards and Heddli Gwent Police during the October half term break. Two 16 year old Police cadets attempted to buy alcohol from 'OFF' licences. A total of 11 premises were tested, 4 premises failed and served alcohol to the underage children. All four premises have been visited and are working with the Licensing officer to review policies and procedures in relation to the prevention of underage sales. The premises will be subject to further test purchasing in the near future.

- 5.1.6 A Multi-agency operation was carried out in early December in conjunction with Heddlu Gwent Police and the Trading Standards team. The operation was split into 3 mini-operations.
- 6 premises were visited and checks were carried out on SIA door staff that were present. All was found to be in order.
 - 6 premises that hold club premises certificates were visited and tested to check compliance with the provision of licensable activities being permitted for members and bone-fide guests only. 5 out of the 6 premises failed this test and alcohol was sold to members of the public that were neither members nor bone-fide guests. The licensing officer has now visited or spoken to all 6 premises and advice and warnings have been given. The premises have been requested to tighten up procedures in relation to entry into this type of licensed premises or to consider applying for a premises licence which would allow them greater flexibility in how to run their business.
 - 3 premises were subject to 'operation check'. Ion Track testing was carried out as well as checks in compliance with the premises licence and licence conditions. Weights and measure checks were also carried out by the Trading Standards Officer. Non-compliance with licence conditions were identified at all 3 premises, and re-visits are planned to ensure that issues found have been rectified.
- 5.1.7 Four representations were received during this quarter in relation to new licence applications, and Responsible Authorities requested that conditions be added to the licences in order to promote the four key licensing objectives. All representations have been resolved following discussion with the applicants and their agreement to the conditions requested.
- 5.1.8 There were 30 premises that had not paid their annual fee by the due date during the last quarter, and these were paid following intervention by the Licensing Officer. Three licences remain suspended following non-payment, and have been closed for a number of months.
- 5.1.9 Two specific ION track testing operations have been carried out during this quarter following requests made by licensed premises. A total of 5 premises were tested on two separate dates. Advice in relation to drugs prevention was given by Heddlu Gwent Police.
- 5.1.10 An application to review a premises licence has been received from the Home Office Immigration Enforcement team. The hearing is due to take place after the Licensing

Committee meeting so an update will be provided at the next Licensing Committee.

5.1.11 Public Health (Minimum Price for Alcohol) (Wales) Act update

Consultation on a proposed Minimum Unit Price of 50p closed on the 21st December 2018. Implementation of this legislation is now being taken forward by the Welsh Heads of Trading Standards (WHoTS), and the current situation is as follows

- 1 Funding is being provided by the Welsh Government to WWhoTS.
- 2 WG are in process of compiling education materials that will be sent out prior to implementation of the legislation
- 3 Implementation is likely to commence around Sept 2019, with all licenced premises requiring inspection during the first 3 months. Year 1 will focus will on the licenced premises whilst Years 2 and 3 will focus more on organised crime/illicit supply etc.
- 4 The Licensing team may be asked for addresses or assistance, and will also act as a “spotter” for potentially illegal alcohol sales. Any identification of illegal sales etc. may also have licensing implications in terms of enforcement and licence reviews.

5.2 **Hackney and Private Hire Licensing.**

5.2.1 It was a busy period in terms of complaints, with 17 taxi related complaints from members of the public relating to matters falling within the jurisdiction of the authority. These covered matters such as rudeness by drivers, advertising and signage, smoking, over-charging etc.

5.2.2 Licensing Officers became involved in a case where a driver’s medical condition rendered him unfit to drive and whom had his licence revoked on that basis. Following medical checks and correspondence and a conversation with the GP, the necessary medical certificate was obtained and the driver has now had his licence restored.

Our Licensing Policy requires drivers to meet the current medical requirements approved by the Driver and Vehicle Licensing Agency for vocational drivers to level 2. However, the driver’s GP continued to present a statement that only met the more basic level, stating that this was all that was needed. This is an issue that has previously been experienced, with GPs occasionally unwilling to confirm the fitness of drivers with certain medical conditions in writing, and our procedures are therefore being reviewed to provide GPs with more robust information.

- 5.2.3 A Panel heard an application in respect of a vehicle in November 2018. A renewal application had not been submitted in time, and the vehicle did not fulfil the criteria in respect of a new application. Having heard evidence in respect of the condition of the vehicle, the application was granted.
- 5.2.4 A report was made to Panel in January regarding an applicant who wished to become a taxi driver but had previous convictions. The outcome of this hearing will be reported to the Committee separately.
- 5.2.5 The review in respect of a Private Hire Operator, previously mentioned to this Committee, was brought before a re-convened Panel in December for decision. The Panel heard new evidence from the Police regarding an incident that had occurred at the company premises and, on the basis of that information, determined that both the Private Hire Operators Licence and the Drivers Licence should be revoked.

Licensing Officers have worked closely with the company and, in late December, a Licensing Panel heard an application from a family member for a new Private Hire Operators Licence. This application was approved, and the business is now moving forward under a slightly different name and new management.

This has been a very difficult time for the company concerned, but the working relationship with Licensing Officers has been excellent throughout this transition period and it is therefore hoped that the previous issues will be resolved.

- 5.2.6 This Committee agreed, on the 11th October 2018, that an increase in Hackney Carriage Fares should be consulted upon.

The approved fare structure was advertised in a local paper, as required in law, giving 14 days for responses. No responses were received, and the trade were therefore informed of the new fare tariff and the arrangements for putting these in place.

Licensing Officers are now working with the trade to ensure that all Hackney Carriage meters are updated to the new fare tariff, and this work is almost complete.

- 5.2.7 A consultation on the future of Public Transport in Wales has been launched by the Welsh Government, which looks at various enforcement issues and asks whether taxi licensing enforcement should move to a centralised Joint Transport Authority. This is covered in a separate report to this Committee.
- 5.2.8 Two matters that would require changes to the taxi Licensing Policy have been identified and are the subject of a separate report to this committee

5.3 Gambling, Gaming and Lotteries

- 5.3.1 There were no new applications or complaints from the public concerning licensed gambling premises in this quarter.
- 5.3.2 The Government has now published the required legislation that will cut the maximum FOBT (Fixed Odds Betting Terminal) stake from £100 to £2. [The Gaming Machine \(Miscellaneous Amendments and Revocation\) Regulations 2018](#) were made on the 20th December 2018 and come into force on the 1st April next year.

5.4 Smoking in Enclosed Public Places

- 5.4.1 There has been one smoking complaint, concerning a taxi driver, which is currently under investigation.
- 5.4.2 An appeal in respect of a Fixed Penalty Notice was heard before the Magistrates Court in December. The taxi driver claimed that an electronic cigarette was being used, and the view of the Court was that it could not be proven, beyond reasonable doubt, that this was not the case.

Given the difficulties in differentiating between real and electronic cigarettes, a separate report has been placed before the Committee asking whether a change in policy to prohibit electronic cigarettes should now be consulted upon.

5.5 Street Trading

- 5.5.1 There were no new applications and no complaints in relation to street trading this quarter.
- 5.5.2 A Licensing Panel heard an amended application for street trading by an existing trader. The application was for Sunday trading by a meat wagon immediately prior to Christmas, which was approved by Members.

5.6 Charity Collections

- 5.6.1 There have been no complaints relating to charity collections in this quarter.

5.7 Scrap Metal

- 5.7.1 There have been no new applications or complaints in relation to scrap metal this quarter.

5.8 Animal Establishment Licensing

- 5.8.1 There have been two allegations of unlicensed dog breeding, one of which related to an unknown premises. A letter has been sent to the other premises outlining the law and requesting an application, and this will be followed up in due course.
- 5.8.2 There have been no new applications. However, the bulk of the renewal applications have now been received, and some premises have been improved and extended.
- 5.8.3 There has been an announcement that the Welsh Government plans to consult on the proposal of banning third party sales of puppies and kittens in Wales. Often called “Lucy’s law”, these proposals are gaining traction across the UK and have widespread media support. Further information is attached as Appendix 2.

DEFRA has recently published the results of the consultation in England, saying it received 6,854 responses to this consultation, “...the overwhelming majority of which supported the government’s proposal to ban commercial third-party sales of puppies and kittens.” As a consequence, DEFRA confirmed they will proceed with a ban. It is not clear when the necessary legislation will be brought forward but the Government said it will be “when parliamentary time allows.” It also said it will continue to engage with stakeholders on the proposal to licence rescue and rehoming organisations.

5.9 Service Requests

- 5.9.1 There were 78 service requests recorded this quarter in total across the range of functions carried out by the Licensing Team, where information or advice etc. have been requested.
- 5.9.2 Of these, 5 were Freedom of Information requests, relating to a range of matters.

5.10 Overall workload results

- 5.10.1 Appendix 1 shows the overall workload figures for the year to date, including this quarter.
- 5.10.2 Changes to the data-base system and the number of complaints received have delayed the pro-active inspection programme in some areas of work. Licensing Officers are currently working to address this backlog but, with an office move now underway, it may be that not all pro-active work can be completed by the end of March.

Officers will ensure that all high-priority work is completed. Work that is not carried out in this financial year will be prioritised in the next financial year.

6 Management Matters

6.1 Constitution

6.1.1 The identified updates to the constitution remain with the legal team for implementation, and it is hoped that these can be actioned shortly.

6.2 Policies

6.2.1 Members previously agreed that Sex Establishment and Charity Collection policies should be developed, and this work is now underway. It is hoped that initial drafts will be available for Member consideration in the early Summer.

6.2.2 The consultation in respect of the Gambling Policy has now been completed, the Policy has been agreed by Council and published as required, and this will now come into effect on the 31st January 2019.

This policy will be in force until January 2022, with the review and consultation process starting in early 2021.

6.3 Fees

6.3.1 All non-statutory fees have now been reviewed, and have been reported separately to this committee for consideration.

6.5 Collaboration

6.5.1 The collaboration is continuing, with both teams working together as needed. In particular, there has been a lot of collaborative work around the development of the Gambling Policy, and arrangements are being put in place to share the translation costs prior to publication.

6.6 Complaints against service

6.6.1 There have been no complaints against service in this quarter.

8. Action to be taken following decision

8.1 The suggestions and directions of the committee will be followed by officers.

9. Monitoring and Evaluation

9.1 The Licensing Team will continue to review its workload delivery to ensure that the Authority delivers the best service to the public

10. Conclusion/summary

10.1 The Licensing Team completed a range of work in third quarter of 2018/19, including inspections, dealing with complaints and taking enforcement action as outlined in the report.

11 Recommendation(s)

- 11.1
1. That the committee note the activity report for this quarter, and
 2. That the committee note and comment on the contents of this report.

Appendices	1 Licensing Team Q3 workload report 2 Lucy's law briefing
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Background Papers	None
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For a copy of the background papers or for further information about this report, please telephone: Alison Hughes, Team Leader Licensing. Tel: 01633 647286
