

REPORT TO:	Licensing Committee
DATE:	5 th March 2019
LEAD OFFICER:	Head of Planning and Public Protection
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SUBJECT:	Update on the Work of the Licensing Section

1. PURPOSE OF THE REPORT

1.1 To update Members of the work of Licensing Officers.

2. EXECUTIVE SUMMARY

2.1 This report provides information on the work in respect of the functions of the Licensing Section and includes licences issued, complaints and service requests received and other activities completed during 2018.

3. POWER TO MAKE THE DECISION

3.1 No decision required.

4. BACKGROUND INFORMATION

4.1 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 21 complaints from the public in relation to licensed premises. Fifteen of these were linked to issues in relation to noise nuisance. These have been dealt with in collaboration with Environmental Health Officers and appropriate action or advice given where necessary.

5.1.2 Other complaints concern general anti-social behaviour – some of which are reported alongside the noise issues – inappropriate drink promotion, drunkenness and poor management. Appropriate action was taken or is ongoing.

5.1.3 During the year there have been:-

- 18 new premises licence applications

- 37 transfers of licence
- 5 variation of conditions
- 92 variations of Designated Premises Supervisor.

5.1.4 Licensing Officers, having updated the licensed premises database following data transfer from another database, have implemented a revised process for dealing with the payment of annual fees which has led to relevant fees being paid in a timely manner. This has not been without complications and issues and the process is evolving so that it will continue to deliver good customer service and efficiencies.

5.1.5 **There have been five joint visits to licensed premises with partners** – North Wales Police, Immigration Enforcement Officers and other Denbighshire teams, such as Health & Safety, Food Safety and Trading Standards.

5.1.6 Two premises had their licences reviewed, one of which is currently on appeal.

5.1.7 Licensing Officers continue to meet regularly – at least every other week – with North Wales Police colleagues to identify and deal with emerging issues.

5.2 Hackney and Private Hire Licensing.

5.2.1 There have been 21 taxi related complaints during the year on matters including an unlicensed vehicle, late arrival of taxis, verbal abuse and careless driving. Appropriate action was taken or is ongoing.

5.2.2 Members will recall a complaint related to the refusal of a driver to accept a wheelchair user as a passenger and that the matter was determined by this Committee. Part of the debate included the introduction of a published list of wheelchair accessible vehicles. This is now complete and available on the Council's website.

5.2.3 Aside for the above complaint there have been no further requests by officers for Members to determine the suitability of drivers during 2018, although Members will recall the committee reviewing officer reports on new to fleet vehicles, displaying adverts and emblems and amendment to policies.

5.2.4 Except for a small number of applications all new, and if relevant, renewal driver applicants now have their Disclosure and Barring Service (DBS) records submitted online. Additionally, the applicants' DVLA driver record checks are initiated and checked online. As with any new system or process there have been teething problems but officers are confident that this will lead to a more efficient process in the future

5.2.5 During 2018 the Local Government Association introduced a national database for reporting and sharing information on drivers that have had their licence revoked and applicants that have had their applications refused. This has been widely adopted across the country and officers have notified all Denbighshire licensed drivers of its existence and use. New applicants will also be advised accordingly.

5.2.6 Officers introduced new taxi driver packs for new and renewal applicants. This included updated and clearer application forms and associated guidance.

5.3 Gambling, Gaming and Lotteries

5.3.1 There were no complaints in respect of licensed gambling premises.

5.3.2 The Gambling Commission have advised that the Statement of Gambling policy must be reviewed at least every 3 years and published by 31st January 2019. Members will recall this document being consulted on and reviewed during 2018 and is now published.

5.3.3 Officers are currently reviewing the database lists of licensed premises following transfer to new database. This, as in the Licensed Premises process above, will enable officers to implement an efficient and timely process for annual fee payment as well as reporting accurate information where necessary e.g. annual returns or Freedom of Information request.

5.3.4 No joint visits with Gambling Commission representatives were conducted during the year but these are scheduled in the early part of 2019, and thereafter as necessary.

5.3.5 The Local Government Association “Gambling Regulation Councillor Handbook” has been updated during 2018. The handbook offers a useful tool and resource for elected members and officers and can be found at:
https://www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20councillor%20handbook_v06_WEB_1.pdf.

5.4 Street Trading

5.4.1 There were no complaints in relation to street trading.

5.4.2 Members are advised that current practice for any new applications will remain until such time as a policy has been determined and approved through this committee. This will be drafted and presented by officers in due course.

5.5 Charity Collections

5.5.1 There have been no complaints relating to charity collections.

5.6 Scrap Metal

5.6.1 There has been one complaint in relation to scrap metal, this being in respect of a possible unlicensed dealer and remains unresolved.

5.7 Service Requests / Freedom of Information

5.7.1 During the year there were:

- 12 service requests recorded across the range of functions carried out by the Licensing Team where information or advice etc. have been requested and given, and
- 11 Freedom of Information requests, relating to a range of matters, were received and had an appropriate response.

5.8 Overall workload results

5.8.1 Changing databases prior to 2018 has had an impact on data recording, especially how activity is recorded. Licensing officers are improving their understanding and it follows that recording will become easier and timely. Current data shows that there were:

- 121 inspections, primarily around vehicles and licensed premises, and
- 548 actions. Officers highlight that actions are not necessarily linked to inspections but include other interactions with businesses and public, e.g. telephone calls, letters, notices and so on.

5.9 Licensing Team Performance

5.9.1 Although we are currently unable to report on the timescales for the processing of applications we are working on a resolution for this.

5.10 Communications

5.10.1 Licensing Officers continue to publish periodic newsletters.

5.10.2 Media involvement in messages on the promotion of #timeforhomerhyl initiative, safe taxi and generic messages through national licensing week.

5.10.3 Social media accounts have recently been set up and it is envisaged messages and updates through these platforms

6. MANAGEMENT MATTERS

6.1 Policies

6.1.1 A number of policies have been amended during 2018 and this work is ongoing. Officers have drafted a revised forward work plan and will continue to update Members on that at each committee hearing.

6.2 Fees

6.2.1 Although 2018 brought in a revised and updated table of charges for hackney carriages (“the tariff”) there was no increase in licensing fees. It is, however, anticipated that non-statutory fees will be reviewed during March / April and reported to Members for consideration thereafter.

6.3 Complaints against service

6.3.1 There have been no complaints against service although there have been two enquiries concerning the Licensing remit – one in relation to a street collection licence and the other in respect the message of a generic press releases. Both have been resolved.

6.4 Future Additional Workload considerations

6.4.1 The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 introduces a minimum price for alcohol and may impact on the availability of cheap alcohol from supermarkets and off-licences. Further information is expected during the year.

6.4.2 The Welsh Government consultation on “Improving Public Transport” is a significant review of passenger transport in Wales which includes proposals for changes to the licensing of taxi and private hire vehicles. Proposals include transfer of functions to a single Wales wide authority, standardisation of requirements, better sharing of information and improved powers for enforcement. Consultation closes 27th March 2019 and it is anticipated that Denbighshire will respond.

6.4.3 Inspections around access of minors to age restricted gaming machines following a report indicating a significant failure rate in England.

6.4.4 Further development of database to allow online applications and public registers.

6.4.5 Officers are arranging a training event for Licensing Committee members. Information will be provided as soon as details are finalised.

7. **RECOMMENDATIONS**

- 7.1 That the committee –
- a) note the activity report for this year, and
 - b) note and comment on the contents of this report.