

## ESSENTIAL REFERENCE PAPER 'C'

### **Licensing Activity report: 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2019**

#### **1. Context**

The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal handling and gambling. This report summarises activity in this area for quarter 3 of 2017/18.

Licensing of food premises and other commercial businesses subject to regulatory activity is carried out by the Environmental Health team. Detailed quarterly statistics will not be available on this activity until after the end of December

#### ***Licensing matters managed by the Licensing & Enforcement Team***

#### **2. Taxis**

The activity over the period in question has been as follows:

New applications	68
New applicants who have attended training	68
Resits of knowledge test	19
Existing drivers who have attended update training	54
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman on the Licensing Committee	10
Appeals against licensing points – decision by Head of Housing and Health	4
Upheld	n/a
Dismissed	4

Appeals of decision – decision by court	1 (this was in relation to a premises licence review and a consent order agreed so appeal did not reach the courts)
Upheld <i>council not successful in defending its decision</i>	0
Dismissed <i>council successful in defending its decision</i>	0
Prosecution sought	0
Successful	0
Unsuccessful	0
Judicial reviews	0

There is a strong desire among both Members and officers to build on the council's work to promote high quality taxi licensing. To this end:

- the Service Manager – Licensing and Enforcement is continuing to work under contract for Uttlesford District Council. As a result UDC have implemented: a new suitability policy, new driver, vehicle and operator conditions, new emissions policy for licensed vehicles, a requirement for drivers to pass a driving proficiency test and to have held a drivers licence for 3 years, driver training at first application and at renewal.
- The current contract with UDC ends in September 2019.

### **3. Premises**

During the last financial year 5 applications were decided by Licensing Sub-Committees. These related to a music festival, an off licence variation, a new licence application for a bowling centre and one variation application relating to a bar. In addition Members

decided a review application of a premise in Hertford which had be triggered by local residents. The decision of the Licensing Sub-Committee was subsequently appealed to court but was settled via a consent order negotiated by the Council's legal team.

In addition to those matters that were brought before a Licensing Sub-Committee 11 others received representations. Officers of the Licensing Authority mediated between the respective parties and satisfactory solutions were found resulting in representations being withdrawn and applications being granted without the need for a Licensing Sub-Committee to be held.

At times the Licensing Authority's ability to mediate has been hampered to some extent by responsible authorities making representations towards the end of the consultation period. This typically means that solutions cannot be negotiated with the applicant during the consultation period and thus disputed applications need to be heard by a Licensing Sub-Committee when this could possibly have been avoided. As allowed for under the legislation, negotiations can and do continue up until the start of the Licensing Sub-Committee meeting with, on occasion, a solution being agreed shortly before the meeting that leads to the responsible authority withdrawing their representation. This means the application is undisputed and the Licensing Sub-Committees either (a) needs to be cancelled, if the representations are withdrawn more than 24 hours ahead of the meeting or (b) the meeting goes ahead to, in effect, simply ratify the undisputed application in cases where the representations are withdrawn within less than 24 hours of the meeting.

It is hoped that the Night Time Economy Position statement will encourage all parties, including the responsible authorities, to engage at the earliest possible stage so that agreement is reached, where possible, within the consultation period.

#### **4. Temporary Event Notices**

Despite the authority receiving 882 TEN's none of these were referred to a Licensing Sub-Committee for decision. As Members are

aware only the Police and Environmental Health can object to TEN's. Often informal agreement is reached with premises users, TEN's are modified or even withdrawn meaning that a hearing is not required. On a number of occasions objection notices have been received but again negotiation between the parties has mean that a hearing can be dispensed with.

## **5. Future work and Policy development**

### Public Health in Licensing

The interplay between public health outcomes and licensing decisions, particularly in regard to alcohol sales, is an interesting area that the licensing profession has grappled with for some time on a national basis.

The Licensing Act 2003 does not include public health outcomes as a material consideration when deciding on an application, apart from in instances where an evidence-based case can be made to pin a detrimental public health outcome very specifically to the premises in question and/or that premise's application.

The Service Manager of Licensing & Enforcement was asked by the London School of Hygiene and Tropical Medicine for an interview as part of ExILEnS study which is Exploring the Impact of Alcohol Licensing In England and Wales. This followed on from earlier discussions held regarding the inception of the study. The study will run until March 2020 and is looking at one primary question:

*Does intensive Public health engagement in alcohol licensing reduce alcohol harms, in local authorities where such activity exists, compared with authorities with low levels of activity, or none at all?*

More information about the study can be found at:

<http://exilens.stir.ac.uk/>

Officers will report the outcomes to Members once the study findings are published.

## Statement of Licensing Policy (Licensing Act 2003)

Steps have been taken to ensure that the authority is equipped with the policy and procedures to manage the changing night time economies in our towns. The first step was to introduce the Night Time Economy Position statement to lay out the authorities expectations of applicants and aid those that wish to comment on licence applications or are affected by late night licensable activities. The Licensing Team has undertaken to review the authorities Statement of Licensing policy in 2019 to keep this piece of work moving forward, despite the statutory review period meaning a review is not require until 2021.

## Taxi Licensing

The authority is currently consulting on a revision of the Convictions Policy first introduced in 2016. The new Suitability Policy, as it now goes far beyond just considering convictions, will be applied to those in the Hackney Carriage and Private Hire trade. The original revision was approved by Licensing Committee for consultation and all responses will be bought back to the committee for consideration. We have worked closely with a number of neighbouring authorities whilst drafting this document and it is hoped that others will adopt the same document promoting consistency across the County. The consultation opened on 1<sup>st</sup> June 2019 and runs for 8 weeks closing at midnight on 27<sup>th</sup> July 2019. Details of the draft policy can be found here: <https://www.eastherts.gov.uk/suitabilitypolicy>

We have commissioned an unmet demand survey in relation to the provision of Hackney Carriages within the District. The report is in the final stages of being drafted and will include information such as whether there is any unmet demand for taxis in the District. The report from the survey will be bought before members at a later

date for consideration and as a result there may be matters that need to be addressed.

Following on from the introduction of the vehicle age and emissions policy other areas of taxi licensing will be reviewed including:

- New driver, vehicle and operator conditions; and
- Reviewing the Licensing Record Points scheme.

### ***Licensing matters managed by the Environmental Health Team***

## **7. Overview of licences**

This section provides an overview of the number of active licences and those in the process of being reviewed/considered in the financial year 2018-19.

<b>Licensable activity</b>	<b>Active licences</b>	<b>Applications being considered / licences being reviewed</b>
Animal boarding	10	1
Animal boarding (at home)	10	0
Animal boarding (day care)	1	0
Camping	0	0
Caravan sites	0	0
Dangerous wild animals	0	0
Houses in multiple occupation (HMOs)	17	18
Pet shops	3	0
Riding establishments	4	0
Skin piercing (personal)	37	2
Skin piercing (premises)	15	2
Street trading consent (mobile)	4	0

Street trading consent (occasional)	0	0
Street trading consent (static)	3	1
Zoos	1	0