



Report of:	Meeting	Date	Item No.
Cllr Michael Vincent, Chairman of the Licensing Committee	Council	1 December 2011	11

LICENSING COMMITTEE: PERIODIC REPORT

1. Purpose of Report

- 1.1 To inform the Council of the current position on issues dealt with by the Licensing team and Licensing Committee during the period May 2011 to October 2011 (inclusive). The Licensing Committee have met on four occasions during this time.

2. Licence Committee Hearings

2.1 Licensing Act 2003

An application for a **new** restaurant in Poulton le Fylde was heard by the Committee in May. There had been objections raised from residents with regard to a potential for antisocial behaviour and concern over an additional licensed premises in the town centre. The licence was granted as per application, however further conditions were placed on the licence by the Committee.

In September the Police applied to **review** the premises licence for an off licence and convenience store in Cleveleys. The Licensing Committee heard the application under the Licensing Act 2003 as the Police brought the review for numerous breaches of the conditions of the Act and a failed test purchase.

The Licensing Committee took the decision to revoke the licence for this premises, such was the evidence that was presented to the committee, by the Police and other Officers. The appellant has since lodged an appeal at the magistrates Court.

A variation, for a public house in Garstang was due to be heard by the Committee on 27 October. The applicant applied to add live music and further regulated entertainment to the licence together with an increase in hours of operation and the sale of alcohol. However the applicant took the decision to withdraw the application completely on the day the hearing was scheduled for.

Police Reform and Social Responsibility Bill 2010-11

Following agreement by both Houses on the text of the Bill it received Royal Assent on 15 September. The Bill is now an Act of Parliament (law).

The Bill covers five distinct policy areas: police accountability and governance; alcohol licensing; the regulation of protests around Parliament Square; misuse of drugs; and the issue of arrest warrants in respect of private prosecutions for universal jurisdiction offences.

With regard to the Act it seeks to amend and supplement and “re-balance” some of the aspects of the Licensing Act 2003 that the previous government introduced in 2005. It is the current view of this Government that the LA2003 should give greater powers to local authorities, the police and local communities.

Although the Bill has been passed, secondary legislation will be required in order to amend the Licensing Act 2003 with the proposed changes. At this stage it is difficult to ascertain the exact nature of the changes that will be introduced and the associated time-line attached to the legislation. It is believed to be at least April 2012 before clear legislation and guidance will be available for local authorities. However as soon as this information is available this will be passed on through a variety of channels.

Main points of the Act

- Responsible Authorities
- Vicinity test
- Reducing the evidential burden on licensing authorities
- Temporary Event Notices
- Underage sales
- Early morning alcohol restriction orders
- Fees
- Miscellaneous
- Review
- Late night levy
- Alcohol disorder zones

2.2 Taxi Licensing hearings

Two Taxi drivers were brought before Licensing Committee during the period covered by this report.

One new applicant had declared current relevant offences and the other case concerned an existing driver who had failed to disclose motoring offences both at the time and as part of the renewal application procedure.

Both drivers were granted their licences but subject to “the three month rule”. This being that they have to produce their documents at the Licensing Office, every 3 months during a twelve month period, to ensure that they are not subject to any offences during this period.

3. Appeal hearings

In September, an appeal was held at Blackpool magistrates court to look at a decision made by the committee to suspend the premises licence for an off licence premises for a period of 3 months. The review had originally been brought by the Police for two failed test purchases.

On the day of the hearing, negotiations took place and a compromise was reached with the legal team and the police. The decision agreed by all parties was that the conditions would be applied to the licence and the suspension be set at 2 weeks.

4. General

4.1 Enforcement

The Licensing Enforcement Officer has continued to take part in multi agency operations, the last one being "Pride in Poulton". As part of this operation, all licensed premises in the designated area were visited by the officer either alone or with a Police officer as part of the multi agency approach.

There have also been operations where our officer has assisted the Immigration Officers and Police with regard to illegal workers in the area.

All new Designated Premises Supervisors (licensees) have been visited by the officer and the premises licence explained at a datum check. This assists the new person, makes them aware of past issues with a premises and introduces the Council through the officer.

Taxi enforcement continues to be undertaken by officers and vehicle/driver checks are carried out on a regular basis.

Premises that are licensed to provide Gambling Activities have also been inspected under the powers of the Gambling Act 2005.

4.2 Hackney carriage ranks

Following a detailed report and assistance from Wyre Council, LCC are carrying out work in the Borough to overhaul the hackney carriage ranks. This work is progressing but it is subject to the resource constraints of LCC. There will be re-lined, new, deleted and amended ranks with the appropriate orders and signage to support them as soon as LCC can complete the work.

4.3 Taxi signage

A new look for Wyre's Private Hire and Hackney fleet was launched at the beginning of November. There are new plates and internal windscreen discs for both sets of vehicles and new door stickers for

private hire vehicles.

The new look items clearly identify the vehicles licensed by Wyre and incorporate the new Wyre Council logo. The private hire door stickers have an improved shape making them more versatile for the range of vehicles that are licensed.

The internal ID discs are presented in an adhesive pouch which doubles up as a tax disc holder, reducing the number of items on the windscreen and improving visibility for the driver.

The plates are made from a hard-wearing acrylic making them able to withstand the harsh conditions that vehicles endure over a period of time. The front plate is now smaller, making it more suitable for fixing to current vehicle body styles. The size of the rear plate has not changed. In line with Wyre's green policy, old plates are sent for recycling, where they are made into a range of products including street lamp covers, at no cost to the Council.

5. Licences/Permits/Registrations Issued by the Licensing Team in the Period Covered by this Report May 2011 to October 2011 (Inclusive)

5.1 Licensing Act 2003 applications

- 8 new premises licences
- 5 variations to premises licences
- 7 minor variations to premises licences
- 61 personal licences (new and change of address notifications)
- 132 Temporary event notices
- 61 Changes to Licences
- There have also been 6 Premises Licences surrendered due to closure and 3 replaced by new licences.

5.2 General Licensing

- 3 skin piercers
- 1 Home Boarding establishment
- 1 Riding establishment
- 1 Dangerous Wild Animal licence (renewal)
- 20 house to house collection permits
- 25 street collection permits
- 1 motor salvage operator
- 7 Street traders
- 3 scrap metal dealers
- 1 second hand dealer

5.3 Taxi Licensing

- 179 vehicle licences (private hire and hackney carriage new/renewed)
- 87 hackney carriages

- 92 private hire vehicles
- 288 driver licences issued (private hire and hackney carriage driver licences new/renewed)
- 177 hackney drivers
- 111 private hire drivers
- 21 Operator licences have been issued/renewed.

5.4 We have issued one new premises licence for a betting shop in Poulton le Fylde. We have also issued two new permits for family entertainment centres. Notifications, permits and club machine permits continue to be issued for Licensed premises. There have been 4 new Small Society Lottery Permits issued.

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List of Background Papers:		
Name of Document	Date	Where available for inspection

LIST OF APPENDICES

None

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