

Licensing Committee

Licensing Annual Report

Report of Executive Member for Environmental Services

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5th June 2018

Executive Summary

The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2017 to 30th April 2018.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Consider the implications of the report in future licensing decisions
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Licensing Annual Report

1 Purpose of the report

1.1 The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2017 to 30th April 2018.

2 Team Objectives

2.1 There are two strategic objectives that relate to Licensing

2.2 To work with businesses to ensure they are licensed and compliant. This covers:

- Proactively licensing premises and individuals engaged in alcohol supply, entertainment and late night refreshment.
- Participation in Pubwatch schemes, partnership projects and joint, intelligence led inspections to ensure licence conditions are not being breached.
- Promotion of the four licensing objectives and three gambling objectives.

2.3 The second relates to ensuring safe passenger journeys, in safe licensed vehicles with safe licensed drivers. This covers:

- Undertaking inspections of licensed vehicles.
- Vetting new applicants for licences to ensure they are fit and proper
- Ensuring that passengers are safe in vehicles by responding to complaints and investigating offences and breaches of conditions

3 Licensing Act 2003

3.1 The Licensing Act 2003 is governed by four licensing objectives:-

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of children from harm

3.2 Numbers of licensed premises under the Act are in the table below with a comparison to the previous year.

TYPE	Year ending 31.3.18	Year ending 31.3.17	Year ending 31.3.16
Premises Licences for alcohol	579	578	571
Premises Licences non-alcohol	134	136	137
Club Premises Certificates	62	65	66
Personal Licences	2756	2639	2485
Total	3531	3418	3259

3.3 The following applications have been considered by the Licensing Premises Panel in the last twelve months.

Nature of Application	Outcome
Review of premises licence Duke of Edinburgh, Royton	Operating schedule amended
Cotton Clouds Festival, Greenfield	Granted with amendments
Alexandra Park Filling Station Park Road	Variation of licence granted
Last Orders, Yorkshire St. Temporary Event Notice	Refused
Donkeystone Brewing Company, Greenfield	Granted
Review of premises licence for Club Revelation, Yorkshire St, Oldham	Licence revoked
Royton Korner Shop, Middleton Rd, Royton	Off Licence Refused
Di Angelos, Fountain /St, Oldham	Variation granted with amendments

- 3.4 During the last twelve months 48 complaints were received in relation to premises licensed under the Licensing Act 2003. In addition there has been one prosecution for selling alcohol without a licence, a caution for selling alcohol outside licensed hours and a caution for failure to declare an offence when the holder of a personal licence.

Licensing Act 2003	
Complaint Type	Total
Anti-Social Behaviour	2
Attitude/Behaviour	3
Beyond permitted hours	4
Breach of condition	10
Noise issues	17
Not licensed	4
Selling to drunks	1
Unauthorised gaming on licensed premise	1
Unauthorised activities	1
Underage sales	5
Grand Total	48

4.0 **Gambling Act 2005**

- 4.1 Applications under this legislation continue to be few and far between although Officers continue to work closely with the Gambling Commission to ensure compliance with licence conditions.

- 4.2 Current permissions in force under this Act are:

- Bingo x 1
- Adult Gaming Centre x 5
- Betting shops x 31
- Club gaming permit x 1
- Club machine permits x 21
- Alcohol licensed premises machine permits x 17
- Gaming machine notifications in pubs x 202
- Small society lotteries x 96

5.0 **Age restricted sales**

- 5.1 Under Age Sales continue to be a priority area for Trading Standards Officers which result in operations to target premises where intelligence suggests attempts to purchase alcohol or other restricted goods by children may be taking place.

- 5.2 Detailed below are the figures showing the results of operations conducted since April 2017 which show 1 sale from 11 attempts to purchase alcohol which show a sale rate of 9%

	Sales	No Sale	Total
Oldham	0	3	3
Saddleworth & Lees	0	0	0
Chadderton	0	3	3
Failsworth & Hollinwood	0	3	3
Shaw & Crompton	0	0	0
Royton	1	1	2
Total	1	10	11

5.3 Officers propose to continue the half-day course for all businesses that sell any age restricted products such as alcohol, tobacco or knives. It has been developed by the Trading Standards Team and is suitable for managers and staff and includes:

- what the law requires of business and staff
- proxy sales
- An explanation of due diligence
- Challenge 25, proof of age, refusals, training

6 LICENSED DRIVERS AND VEHICLES

Licences and Hearings

- 6.1 Officers continue to work with the private hire and hackney trade to ensure effective communication and consultation takes place. Elected members also attend these forums.
- 6.2 Below are details of the applicants and drivers brought before the Drivers Licensing Panel over the last twelve months.
- 6.3 The Licensing Drivers Panel usually sits monthly to hear applications for new taxi licences, renewal applications of reviews of existing licences where there are offences or conduct issues recorded.
- 6.4 Since June 2017 a total of 37 hearings have been held which are broken down below:

Application for new/renewal of licence	Granted	Granted with suspension	Refused
32	1	8	23

Reviews of licences	Revoked	Suspended	NFA
5	0	5	0

- 6.5 Details of the number of licences in force are detailed below: -

LICENCE TYPE	As at 16.5.18	As at 31.5.17	As at 31.3.16
Private Hire Vehicle Licence	1045	950	860
Private Hire Operators Licence	37	38	42
Dual drivers licence	1326	1298	1206
Hackney Carriage Vehicles	85	85	85
Total	2493	2371	2193

Complaints and Enforcement

- 6.7 There have been 171 complaints in relation to licensed drivers, operators and vehicles during the period ranging from conduct to driving ability and over charging. Officers continue to work with drivers and operators to educate and support them.

Hackney Carriage		
	Complaint Type	Total
Vehicles & Drivers	Breach of parking regulations	1
	Dangerous driving	2
	Lost property	4
	Attitude/behaviour	16
	Breach of condition	2
	Overcharging	6
	Touting	1
	Using mobile phone whilst driving	3
	Refusing jobs	3
	TOTAL	31

Private Hire		
	Complaint Type	
Drivers, Vehicles and Operators	Attitude / Behaviour	54
	Breach of condition	5
	Dangerous driving	24
	Fail to report accident	2
	Fail to carry guide dog	1
	Illegal activity	2
	Overcharging	8
	Parking issues	5
	Refusing job	1
	Poor vehicle condition	1
	Sexual related	2
	Smoking in vehicle	3
	Using mobile phone whilst driving	2
	Breach of conditions	10
	Dangerous driving	5
	Not licensed	1
	Plying for hire	2
	Poor vehicle condition	4
	Operator complaint	6
	Failure to keep records as operator	1
Poor office condition	1	
TOTAL	140	

7 Private hire star rating scheme

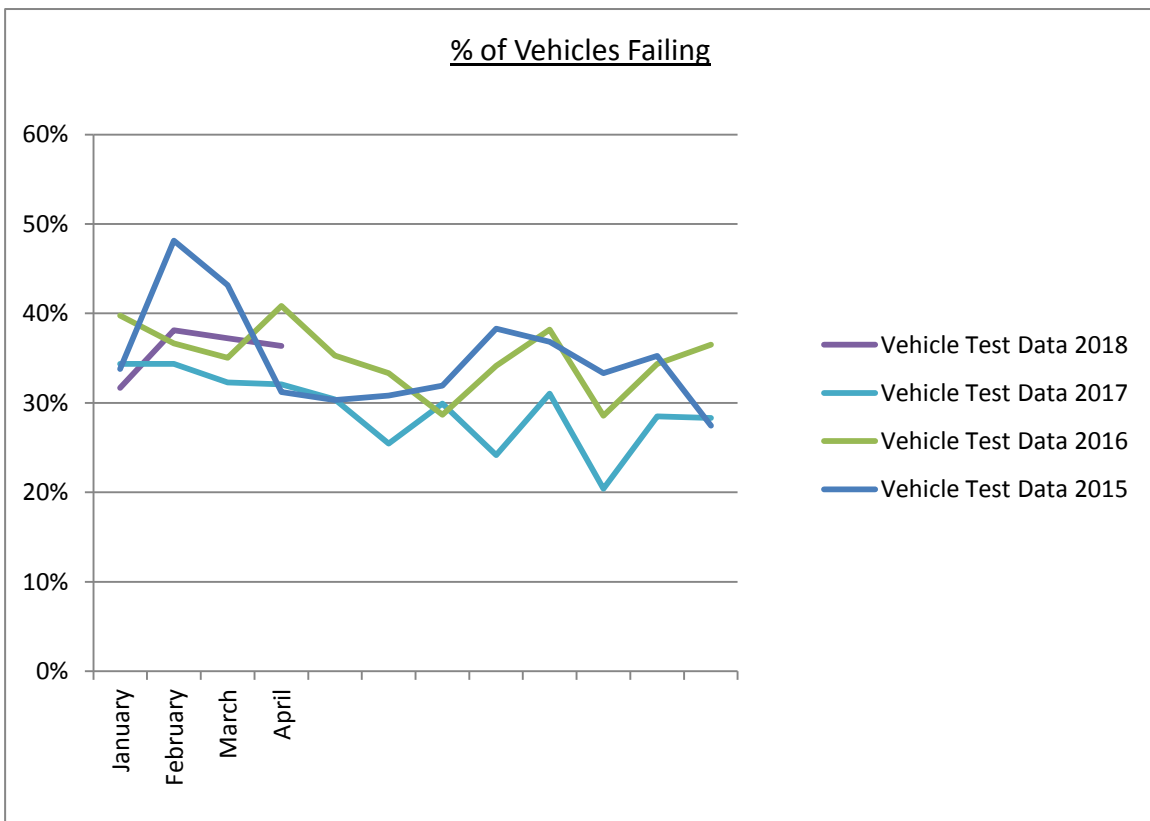
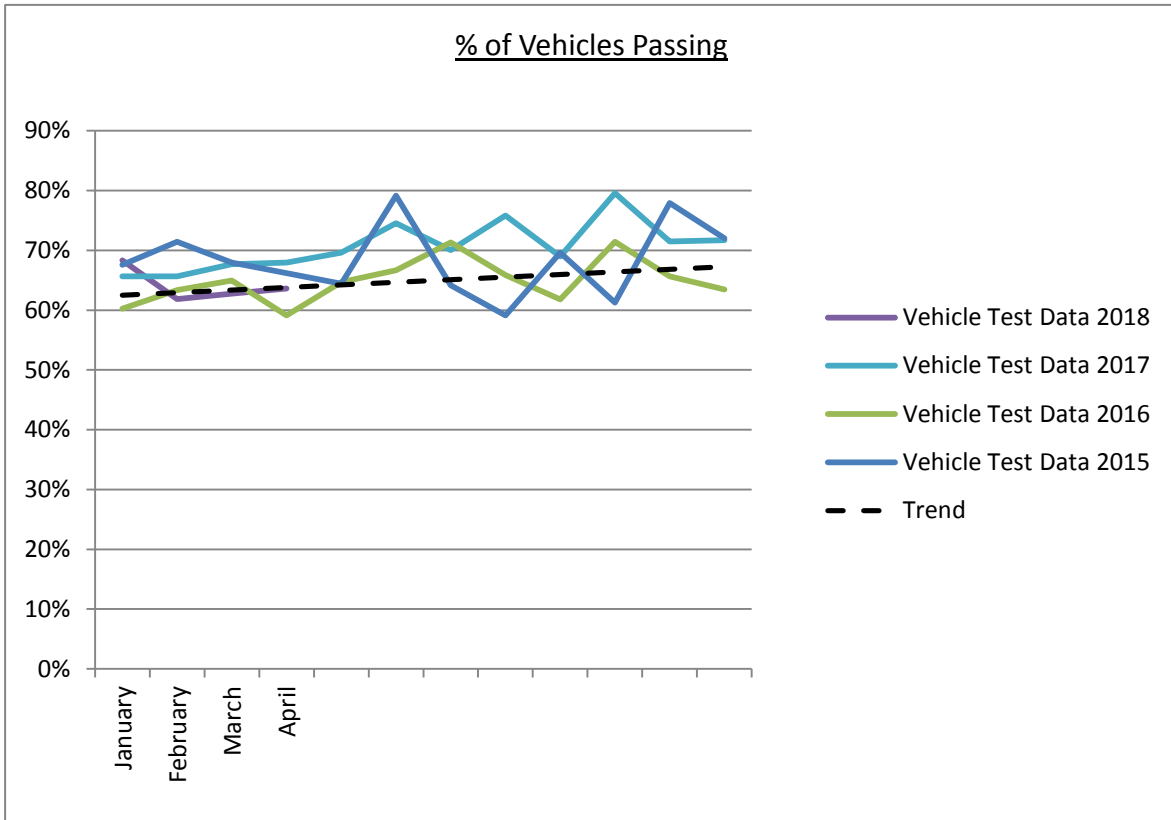
- 7.1 Officers continue to work with Private Hire operators continue to ensure they retain their current star rating whilst others are attempting to achieve a higher rating. Audits have recently been undertaken of the majority of operators, the results of which are still being checked and verified. As there may be some changes to ratings resulting from those audits a current list is not available at this time. A new list will be published online when available and reported to the next meeting of the Committee.

8 Vehicle testing data

- 8.1 Data showing details of pass/fail rates of licensed vehicle mechanical tests is extracted below. A new booking system which goes live in the coming weeks will be able to report on trends and reasons for failures.

Vehicle Test Data 2017					
Month	Passed	Failed	Tests Taken	% Pass	% Fail
January	86	45	131	66%	34%
February	128	67	195	66%	34%
March	130	62	192	68%	32%
April	89	42	131	68%	32%
May	87	38	125	70%	30%
June	170	58	228	75%	25%
July	110	47	157	70%	30%
August	157	50	207	76%	24%
September	129	58	187	69%	31%
October	156	40	196	80%	20%
November	143	57	200	72%	29%
December	119	47	166	72%	28%
Totals	1504	611	2115	71%	29%

Vehicle Test Data 2018					
Month	Passed	Failed	Tests Taken	% Pass	% Fail
January	82	38	120	68%	32%
February	112	69	181	62%	38%
March	81	48	129	63%	37%
April	140	80	220	64%	36%
Totals	415	235	650	64%	36%



10 Other licences

10.1 As well as the main functions outlined previously in this report the Licensing Team also administers and enforces a wide range of other licences, registrations and permits current numbers of which are outlined below.

Licence type	Number in Force
Marriage Premises	9
Sex shops	1
Second hand dealers	56
Scrap metal sites	45
Scrap metal collectors	16
Street trading consents/licences	54
Pavement café licences	2
Animal Boarding Licences	37
Dangerous Wild Animal Licence	1
Pet Shop Licence	7
Riding Establishment Licence	5

10.2 Complaints in relation to other licence types are outlined in the table below:

Miscellaneous		
Complaint Type		Total
Street Trading	Breach of Conditions	23
	Unlicensed	5
	Obstruction	1
	Noise	2
	Total for Street Trading	31
Scrap Metal	Breach of Conditions	1
	Unlicensed	2
	Total For Scrap Metal	3
Highways Licences	Breach of Conditions	48
	Unlicensed	27
	Objects on the Highway	29
	Obstruction	2
	Unlicensed Scaffolding	1
	Unlicensed Skip	17
Total for Highways		124
Grand Total		158

11 Legal Update

- 11.1 The Government issued new statutory guidance under the Licensing Act 2003 in April 2018. This document is a valuable source of information to regulators and licence holders in how to interpret the Act.
- 11.2 Due to concerns about the impact of alcohol fuelled violence the Government have indicated they intend to publish an alcohol strategy to hopefully tackle this issue linked of powers under the Licensing Act 2003. There is no indication of when this may be published at this time.
- 11.3 At the time of writing this report the Government had just announced the outcome of consultation on the future stakes for fixed off betting terminals. The maximum stake has been reduced from £100 to £2.
- 11.4 The Department for Transport Ministerial Working Party on the review of private hire and taxi legislation has concluded taking evidence from stakeholders. Whilst the report on their findings is overdue this is thought to be due to a change in Transport Minister. Officers will report these findings to Members when published.

12 Current Projects

- 12.1 The main area of work being undertaken at the moment is the work within the Combined Authority and with Transport for Greater Manchester on the harmonisation of Private Hire and Hackney licensing policies. This major piece of work, which will report in the autumn, is aimed at ensuring high standards across Greater Manchester as well as consistency.
- 12.2 A consultation will be launched in July for twelve weeks to the trade and Transport for Greater Manchester will undertake the public consultation alongside. The areas to be covered to ensure Oldham is consistent include:
- Age of vehicles linked to emissions and Air Quality;
 - Updating the fit and proper guidelines for determining applications and reviewing licences;
 - Spoken English test;
 - Drivers code of conduct;
 - Improving vehicle testing standards;
 - Private hire operator code of conduct and safeguarding policy;
 - Executive Hire Policy.
- 12.3 Reports will be brought to Members at the November 2018 and March 2019 committee meetings ahead of implementation no later than April 2019.

13 **Legal Services Comments**

13.1 None- Information report

14 **Co-operative Agenda**

14.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

15 **Environmental and Health & Safety Implications**

15.1 None

16 **Equality, community cohesion and crime implications**

16.1 None

17 **Equality Impact Assessment Completed?**

17.1 No

18 **Key Decision**

18.1 No

19 **Key Decision Reference**

19.1 N/A

20 **Background Papers - None**

20 **Appendices - None**