

Licensing Committee

Licensing Annual Report

Report of Executive Member for Social Justice & Communities

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4th June 2019

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 2018 to 30th April 2019.

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 2018 to 30th April 2019.

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 previous years.

TYPE	Year ending 31.3.19	Year ending 31.3.18	Year ending 31.3.17
Premises Licences for alcohol	580	579	578
Premises Licences non-alcohol	139	134	136
Club Premises Certificates	62	62	65
Personal Licences	2887	2756	2639
Total	3668	3531	3418

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

Premises	Outcome
Royal Oak, Oldham Road, Failsworth	Operating schedule amended
Chadderton Bar & Grill	Licence revoked
Club VibeZ, Yorkshire Street, Oldham	Licence revoked (Appeal pending)

- 3.4 During the last twelve months 43 complaints were received in relation to premises licensed under the Licensing Act 2003

Complaint Type	Total
Attitude/behaviour	4
Beyond permitted hours	2
Breach of condition	14
Noise issues	9
Not licensed/registered	10
Smoking on the Premises	1
Unauthorised licensable activities	1
Underage sales	2
Grand Total	43

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	1
Adult Gaming Centre	5
Betting Shops	30
Club Gaming Permit	1
Club Machine Permit	20
Alcohol licensed premises machine permits	19
Gaming machine notifications in pubs	203
Small Society Lotteries	95

5.0 **Age restricted sales**

- 5.1 Under Age Sales continue to be handled by 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 At the time of writing the report the data for the last twelve months was not available but will be presented to Members at the meeting.

	Sales	No Sale	Total
Oldham			
Saddleworth & Lees			
Chadderton			
Failsworth & Hollinwood			
Shaw & Crompton			
Royton			
Total			

- 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 or reviews of existing licences where there are offences or conduct issues recorded.
- 6.4 Since April 2018 a total of 42 determinations by the Panel or by Officers which are broken down as follows:

Warnings issued	1
Applications refused	7
Licences suspended	8
Licences revoked	9
Licences granted	4
Licences granted with suspension	4
Officer refusals	3
Officer revocations	5
Officer suspensions	1

Appeals results from those decisions are as follows:

Appeals withdrawn	1
Appeals dismissed by the court	5
Appeals allowed	1
Appeals hearings still pending	6

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

LICENCE TYPE	May 2019	May 2018	May 2017
Private Hire Vehicle Licence	1055	1045	950
Private Hire Operators Licence	35	37	38
Dual drivers' licence	1362	1326	1298
Hackney Carriage Vehicles	85	85	85

Total	2537	2493	2371
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Complaints and Enforcement

- 6.7 There have been 150 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.

Private Hire		
	Complaint Type	
Drivers, Vehicles and Operators	Attitude/behaviour	41
	Breach of condition	16
	Breach of parking regulations	1
	Dangerous driving	25
	Failing to report an accident	3
	Illegal activity	2
	Issues with PH Operator management	3
	No star rating signs on vehicles	1
	Not licensed/registered	5
	Overcharging	4
	Parking issues	8
	Plate not displayed	1
	Refusing jobs	1
	Plying for Hire	3
	Poor vehicle condition	6
	Sexually related	1
	Smoking in vehicle	1
	Unlicensed driver	1
	Vehicle inspection	1
	TOTAL	124

Hackney Carriage		
	Complaint Type	Total
Vehicles & Drivers	Attitude/behaviour	5
	Breach of condition	4
	Dangerous driving	6
	Refusing jobs	1
	Illegal activity	1
	Lost property	5
	Overcharging	1
	Parking issues	2
	Poor vehicle condition	1

6.7		TOTAL	26
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7.0 Private hire star rating scheme

- 7.1 The Star Rating Scheme is currently being review in line with the proposals to be issued shortly in relation to the Greater Manchester Minimum Standards Project. Members will be updated at a future meeting.

8 Vehicle testing data

- 8.1 Data showing details of pass/fail rates of 1670 licensed vehicle mechanical tests conducted since the launch of a new booking and recording system in September 2018 is extracted below. The details of the main reasons for failures is also reported below.

Month	Pass	Fail
September 2018	136	62
October 2018	155	46
November 2018	184	81
December 2018	128	52
January 2019	145	74
February 2019	111	89
March 2019	115	87
April 2019	118	87
Total	1092 (65%)	578 (35%)

Month	Reason 1	Reason 2	Reason 3
Sept 2018	Rear lamps	Fire Extinguisher	Suspension
Oct 2018	Rear lamps	Suspension	Tyres
Nov 2018	Rear lamps	Fire Extinguisher	Licence plates
Dec 2018	Fire Extinguisher	Rear lamps	Indicators
Jan 2019	Fire Extinguisher (25)	Suspension (22)	Indicators (15)
Feb 2019	Rear lamps (23)	Indicators (22)	Suspension (20)
Mar 2019	Suspension (31)	Service brake (25)	Rear lamps (20)
Apr 2019	Rear lamps (24)	Suspension (21)	Indicators (16)

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	41
Scrap metal sites	47
Scrap metal collectors	19
Street trading consents/licences	41
Pavement café licences	8

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

Miscellaneous		
Complaint Type		Total
Street Trading	Breach of Conditions	6
	Unlicensed	6
	Obstruction	1
	Health & Safety	1
	Attitude/Behaviour	2
	Total for Street Trading	16
Scrap Metal	Breach of Conditions	1
	Unlicensed	3
	Total For Scrap Metal	4
Highways Licences	Breach of Conditions	32
	Unlicensed	30
	Objects on the Highway	12
	Obstruction	2
	Unauthorised Licensable Activities	2
	Unlicensed Scaffolding	11
	Unlicensed Skip	36
Total for Highways		125
		145

11 Legal Update

- 11.1 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.
- 11.2 The Department for Transport recently undertook a consultation on statutory guidance to licensing authorities on their duties under Private Hire and Hackney Carriage licensing. The outcome of that consultation is expected in the coming weeks.
- 11.1 The Greater Manchester Combined Authority recently launched an Alcohol and Drugs Strategy. As part of that work it was decided to create a single policy under the Licensing Act 2003 around the work of alcohol, entertainment and late-night refreshment licensing. This work will commence next year.

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 is the creation of Minimum Standards for Private Hire and Hackney licensing policies. This major piece of work, which will be consulted upon in the summer, is aimed at ensuring high standards across Greater Manchester as well as moving towards more consistency.
- 12.2 A consultation will be launched in the summer which will 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 conclusion of the consultation for consideration.

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**