

Licensing Committee

Licensing Annual Report

Report of Executive Member for Neighbourhoods

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

8th June 2020

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 2020 to 31st March 2021.

Recommendations

That Members:

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

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 2020 to 31st March 2021.

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 31.3.21	Year ending 31.3.20	Year ending 31.3.19	Year ending 31.3.18
Premises Licences for alcohol	528	587	580	579
Premises Licences non-alcohol	123	142	139	134
Club Premises Certificates	53	61	62	62
Premises Total	704	790	781	775
Personal Licences	3060	2987	2887	2756
Licensing Act Total	3764	3777	3668	3531

3.3 There have been no applications considered by the Licensing Premises Panel in the last twelve months.

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	23
Club Gaming Permit	1
Club Machine Permit	17
Alcohol licensed premises machine permits	21
Gaming machine notifications in pubs	190
Small Society Lotteries	91

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 Officers continued to run 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 As the Licensing Office closed in March 2020 due to the COVID-19 outbreak and subsequently Panel meetings were cancelled any remaining decisions to be made on applicants and reviews have been dealt with by the Trading Standards and Licensing Manager under delegated powers.
- 6.4 Since April 2020 a total of 16 determinations by Officers which are broken down as follows:

	Granted with Suspension	Suspended	Refused	Revoked
May 2020	2	2	1	1
July 2020			1	
October 2020	2			
November 2020				1
January 2021		2		
February 2021		2		
March 2021		1		
May 2021		1		
Total	4	8	2	2

- 6.5 In addition there have been six emergency delegated decisions taken where driver licences have been revoked with immediate effect by the Trading Standards & Licensing Manager.

Appeals lodged from those decisions are as follows:

Appeals withdrawn	0
Appeals dismissed by the court	0
Appeals allowed	0
Appeals still pending	6

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

LICENCE TYPE	May 2021	May 2020	May 2019	May 2018	May 2017
Private Hire Vehicle Licence	953	1046	1055	1045	950
Private Hire Operators Licence	31	29	35	37	38
Dual drivers' licence	1311	1366	1362	1326	1298
Hackney Carriage Vehicles	85	85	85	85	85
Total	2380	2526	2537	2493	2371

7 Vehicle testing data

7.1 Data showing details of pass/fail rates of licensed vehicle mechanical compliance tests is extracted below. The details of the main reasons for failures is also reported below.

Month	Pass	Fail
April 2019	118	87
May 2019	146	111
June 2019	133	87
July 2019	141	78
August 2019	136	53
September 2019	127	76
October 2019	108	122
November 2019	147	101
December 2019	103	79
January 2020	182	102
February 2020	95	78
March 2020	84	70
Total	1520 (59%)	1044 (41%)

Month	Pass	Fail
April 2020	0	0
May 2020	0	0
June 2020	22	10
July 2020	62	39
August 2020	87	99
September 2020	83	105
October 2020	73	98
November 2020	98	122
December 2020	63	97
January 2021	114	105
February 2021	81	94
March 2021	95	104
Total	778 (47%)	873 (53%)

Month	Reason 1	Reason 2	Reason 3
April 2020	0	0	0
May 2020	0	0	0
June 2020	Fire Extinguisher	Suspension	Transmission shaft
July 2020	Tyres	Fire Extinguisher	Suspension
August 2020	Service brake	Suspension	Rear lamps
September 2020	Service brake	Suspension	Rear lamps
October 2020	Suspension	Service brake	Tyres
November 2020	Suspension	Tyres	Service brake
December 2020	Service brake	Front lamps	Suspension
January 2021	Service brake	Suspension	Licence plates
February 2021	Suspension	Service brakes	Licence plates
March 2021	Licence Plates	Service brakes	Tyres

8 Other licences

- 8.1 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	10
Sex shops	1
Second hand dealers	36
Scrap metal sites	35
Scrap metal collectors	9
Street trading consents/licences	55
Pavement café licences	5
Pavement licences	11
Animal Activity Licences	43

9 Implications of COVID-19

9.1 Since mid-March 2020 the Council's Licensing Office has been closed, save for a couple of hours a week for collecting taxi badges and licence plates. Officers are, in the main, back in the office.

9.2 It is clear that the pandemic has hit all sectors of trade and business, not just in Oldham but across the Country and wider. As a Council we have continued to support businesses in different ways including:

- Delaying the paying of annual fees for licences;
- Introducing instalments for certain licence types where systems permit;
- Deferring application fees for licenced drivers and vehicles during lockdown one;
- Re-scheduling of vehicle tests in line with the Governments delays to MOT tests;
- Issuing temporary licences due the Licensing Office being closed to allow businesses to continue to trade within the Government rules; and
- Making better use of technology to support applicants;
- Issuing plastic screens for installation in licensed vehicles together with sanitiser and disinfectant; and
- Issuing grants to licensed drivers of £1000 each; and
- Issuing business grants to licensed premises which have been forced to close or restrict their activities.

9.3 It is hoped that with the re-opening of licensed premises the economy will start to grow again, and businesses will start to grow back. It is evident though that, with regret, some businesses have not survived being closed for so long and will not be returning.

10 Current Projects

10.1 Whilst some pieces of work have been delayed due to the current situation, we find ourselves in some of the current projects underway or due to start in the coming months include:

- Refreshing the Gambling Act policy;
- Updating the Street Trading Policy
- Implementing the forthcoming recommendations on Greater Manchester Minimum Licensing Standards alongside the Clean Air Plan.

11 **Legal Services Comments**

11.1 None- Information report

12 **Co-operative Agenda**

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

13 **Environmental and Health & Safety Implications**

13.1 None

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

14.1 None

15 **Equality Impact Assessment Completed?**

15.1 No

16 **Key Decision**

16.1 No

17 **Key Decision Reference**

17.1 N/A

18 **Background Papers - None**

19 **Appendices - None**