

Licensing Committee

Licensing Annual Report

Report of Executive Member for Neighbourhoods

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Ext. 5026

7th June 2022

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 2021 to 31st March 2022.

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 2021 to 31st March 2022.

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 31.3.22	Year ending 31.3.21	Year ending 31.3.20	Year ending 31.3.19	Year ending 31.3.18
Premises Licences for alcohol	534	528	587	580	579
Premises Licences non-alcohol	126	123	142	139	134
Club Premises Certificates	50	53	61	62	62
Premises Total	710	704	790	781	775
Personal Licences	3142	3060	2987	2887	2756
Licensing Act Total	3852	3764	3777	3668	3531

3.3 There have been nine applications considered by the Licensing Premises Panel in the last twelve months.

King William VI, Greenfield	Variation of premises licence	Approved with additional conditions
Eagle Off Licence, Ashton Road	Variation of premises supervisor	Refused
Sunnys Off Licence, Werneth	Review of premises licence	Licence revoked
Donkeystone Brewery, Greenfield	Application for a premises licence	Approved with additional conditions
AVRO Vestacare Stadium, Limehurst	Variation of premises licence	Refused
Chillz, Restaurant, Bar and Lounge, Failsworth	Temporary Event Notice	Withdrawn
Coldhurst off licence, Chadderton Way	Application for a premises licence	Approved with amended hours
Anglers Arms, Failsworth	Temporary Event Notice	Refused

AVRO Vestacare Stadium, Limehurst	Application for a premises licence	Approved with amendments
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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	20
Club Gaming Permit	1
Club Machine Permit	6
Alcohol licensed premises machine permits	19
Gaming machine notifications in pubs	177
Small Society Lotteries	97

5.0 **Age restricted sales**

5.1 Under Age Sales continue to be handled by Trading Standards Officers which result in engagement with 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 Since May 2021 a total of **11** determinations by the Panel which are broken down as follows:

	Granted with Suspension	Suspended	Refused	Revoked
May 2021		1		
July 2021		2		1
September 2021			1	1
October 2021				1
November 2021				1
January 2022		1		
February 2022		1		1
Total	0	5	1	5

- 6.5 In addition there have been four 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	3
Appeals allowed	1
Appeals still pending	4

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

LICENCE TYPE	May 2022	May 2021	May 2020	May 2019	May 2018	May 2017
Private Hire Vehicle Licence	1002	953	1046	1055	1045	950
Private Hire Operators Licence	31	31	29	35	37	38
Dual drivers' licence	1299	1311	1366	1362	1326	1298
Hackney Carriage Vehicles	85	85	85	85	85	85
Total	2417	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.

Hackney Carriage		Private Hire	
Pass	Fail	Pass	Fail
2019			
116 (58%)	83 (42%)	1414 (61%)	900 (39%)
2020			
57 (46%)	66 (54%)	791 (51%)	754 (49%)
2021			
108 (54%)	93 (46%)	1092 (52%)	1021 (48%)
2022 (to 31.3.22)			
11 (41%)	16 (59%)	324 (51%)	306 (49%)

Reason for Failure	2022	2021	2020	2019
ABS Warning System	2	14	10	11
Battery	3	22	26	25
Body External	19	73	60	147
Body Interior	31	200	113	134
Bumpers	14	43	37	42
Condition of Belts	8	48	43	66
Condition of Exhaust	11	70	86	58
Condition of Vehicle	48	181	133	121
Direction of Indicators	47	206	131	197
Door Locks & Handles	2	8	8	14
Doors	5	18	15	27
Effectiveness of Silencer	1	6	6	13
Emissions	11	57	20	0
Exhaust Emission	8	38	47	65
Fire Extinguisher	56	257	140	235
First Aid Kit	37	161	38	61
Front Seat Mountings	2	1	3	7
Fuel Cap	2	5	7	3
General Wiring	0	12	10	0
Headlamp Aim	58	208	128	182
Horn	1	5	8	3
Mirrors (internal/external)	3	14	11	13
Obligatory Front Lamps	49	244	217	225
Obligatory Headlamps	48	128	100	101
Obligatory Rear Lamps	73	324	198	272
Occasional Seats	0	2	0	0
Operation	7	17	12	28
Parking Brake Condition	6	36	42	32
Parking Brake Efficiency	27	78	76	64
Plates Securely Affixed	37	227	106	45
Power Steering	2	10	5	24
Rear Reflectors	6	16	13	17
Rear Seats	4	20	16	27
Registration Plates	14	45	38	45
Road Wheels	9	21	18	33
Security of Mountings	2	5	7	2
Reason	2022	2021	2020	2019
Service Brake Balance	13	49	34	22
Service Brake Condition	100	407	284	230
Service Brake Efficiency	7	13	14	8
Shock Absorbers	21	86	47	49
Steering Control	3	13	2	11

Steering Mechanism	13	69	64	70
Stop Lamps	12	57	43	44
Structure	4	24	5	15
Stub Axle Assemblies	0	2	4	9
Suspension	97	372	298	345
Tariff Sheet	0	1	0	0
Taximeter & Bracket Assembly	3	26	4	5
Transmission Shafts	10	68	55	39
Tyre Condition	58	255	210	225
Tyre Type	18	54	24	23
Upholstery	3	31	13	24
Wheel Bearings	5	28	17	28
Window & Mechanisms	5	14	9	12
Windscreen	2	15	9	9
Windscreen Washers	8	26	13	27
Windscreen Wipers	8	44	34	3

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	43
Scrap metal sites	35
Scrap metal collectors	9
Street trading consents/licences	49
Pavement licences	16
Animal Activity Licences	51

9 **Future challenges and changes**

9.1 There continue to be regular changes to legislation and guidance affecting licensing together with consultations the summaries of which are detailed below:

- Making the temporary pavement licence legislation permanent;
- Awaiting consultation on the Governments levelling up agenda to review to the number of taxi licensing authorities;
- Responding to the Governments Taxi and Private Hire best practice guidance consultation;
- From April 2022 implementation of the Finance Act relating to tax conditionality for licensed drivers, operators and scrap metal dealers relating to tax registration requirements;
- Changes to the Equality Act under the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 relating to the duties of drivers and operators when carrying disabled persons;
- Implementing changes under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which relate to changes to the national register of refusals, revocations and suspensions and the sharing of information with other licensing authorities;
- Awaiting the publication of a Transport Bill in relation to changes to taxi and private hire legislation; and
- Continuing to work with GM colleagues to deliver minimum licensing standards.

10 **Current Projects**

10.1 Projects underway or due to start in the coming months include:

- Refreshing the convictions policy for taxis alongside GM colleagues
- Assessing the impact of the GM clean air plan on our licensing policy
- Reviewing hackney carriage ranks, licence release policy and unmet demand.
- Reviewing vehicle testing arrangements as part of a joint trade/council working group

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**