

LICENSING COMMITTEE: 4th July 2006

Report of the Chief Strategic Planning and Environment Officer

LICENSING SERVICE – SUMMARY OF ACTIVITIES UNDERTAKEN 2005/2006

1. **Background**

This report has been prepared to provide summarised details for the information of the Committee on the work undertaken by the Licensing Service during the year from 1 April 2005 to 31 March 2006.

2. **Licensing Activity**

The following figures represent a cross section of recorded information on the various aspects of the work of the Licensing service during the period in comparison with previous years.

ACTIVITY	TOTAL 2001/02	TOTAL 2002/03	TOTAL 2003/04	TOTAL 2004/05	TOTAL 2005/06
Number of applications received and processed.	8381	8690	8279	8408	11208
Number of activities/premises/persons licensed.	5396	5332	5007	4806	6893
No. of Reviews of Premises Licences	0	0	0	0	1
No of Licensing Sub-Committee Considerations	0	0	0	0	302
Number of information reports presented to Committee.	49	60	43	48	82
Number of complaints received about activities, persons and businesses etc.	217	193	180	139	191
Number of verbal/written warnings distributed to licence holders	612	797	396	705	622
Number of disciplinary actions considered	46	114	136	121	95
Number of prosecutions processed	125	489	306	238	280
Number of stop notices issued.	23	17	15	28	49
Number of PNC Checks processed.	927	828	740	718	589
Number of DVLA Checks processed.	780	548	477	687	696
Number of drivers who have undertaken Disability Awareness Training	163	106	116	146	146
Number of written knowledge tests undertaken	300	123	178	182	223
Number of oral knowledge tests undertaken	201	106	150	172	192

2.1 **Number of applications processed (11208)**

The year was dominated by the need to issue licences to premises and persons in respect of the implementation of the Licensing Act 2003 during the transition to the new system of licensing. The dramatic increase in the number of applications dealt with during the year reflects the fact that the authority has now assumed responsibility

for liquor licensing previously dealt with by Magistrates and had to convert all 1000 existing licences during the year to both Premises and Personal Licences.

2.2 Number of Licences in force during the year (6893)

This represents the total number of licences in force during the financial year 2004/05. This figure differs from the number of applications dealt with as a number of licences may be issued twice a year while others are issued for three years. Additionally there may have been many applications in respect of a single licence, a licensed premises may for example submit applications for variation, transfer or change of Designated Premises Supervisor, which would not increase the total number of licences held. The following table details the number of licences existing at the end of the 2005/06 financial year in comparison with previous years.

Description	No. 2001/02	No. 2002/03	No. 2003/04	No. 2004/05	No. 2005/06
Animal boarding establishments	9	7	7	6	5
Dangerous Wild animals	1	1	1	1	1
Dog breeding establishments	1	0	0	0	0
Pet Shops	19	19	18	18	22
Riding Establishments	1	1	1	1	1
Public entertainment Licences (including Occasional Licences)	326	329	324	306	190
Cinemas	6	6	6	5	4
Theatres	44	36	62	39	25
Cinema/Video	18	18	17	16	4
Late Night Refreshment Houses	60	66	61	59	48
Personal Licence	0	0	0	2	1259
Premises Licence	0	0	0	0	1067
Club Premises Certificate	0	0	0	0	82
Temporary Event Notices Received	0	0	0	0	309
Hypnotism	0	0	0	1	0
Hackney Carriage/Private Hire Drivers	1466	1491	1569	1530	1577
Hackney Carriage Vehicles	480	480	480	480	628
Private Hire Vehicles	812	798	782	834	781
Private Hire Vehicle Operators	14	9	10	9	10
Licensed Premises Supervisors	763	714	720	636	0
Pleasure boats	0	0	0	0	0
Sex Establishments	3	4	4	4	4
Acupuncture, Ear Piercing, Electrolysis and tattooing services	Persons 185 Premises 176	Persons 147 Premises 149	Persons 64 Premises 61	Persons 59 Premises 43	Persons 59 Premises 43
Street Traders (including Consents)	516	654	384	319	381
Street Collection Licences	155	84	88	125	50
House to House Collection Permits	10	6	5	8	5
Track Betting	0	1	1	1	1
Amusement with Prize Machines	34	24	37	35	48
AWP in Public Houses	0	0	0	0	28
Small Lotteries	267	258	276	240	231
Game Dealers	17	17	16	17	18
Scrap Metal Dealers	13	13	13	12	12
TOTAL	5396	5332	5007	4806	6893

2.3 **Total of Hackney Carriage Vehicles Licensed (628).**

On 13 September 2005 the decision of the Committee to delimit the number of hackney carriage vehicle licences was given effect following the conclusion of a lengthy court appeal. The number of licensed hackney carriages rose by 42.7% from 480 to 628 during the year. It should be noted that in the same period the number of licensed private hire vehicles decreased by 6% from 834 to 781.

2.4 **Number of Information Reports Presented to Committee (82).**

In addition to the ordinary reports on applications made to Committee a large number of reports are prepared to advise on general matters such as changes of legislation, policy and strategy amendments and complex individual applications. The further 58% increase this year is as a result of the introduction of the Licensing Act 2003 and the Gambling Act 2005.

2.5 **Number of complaints received (191)**

This represents the number of complaints received about activities, persons and businesses that are licensed, or may require a licence. Of the total number 73% of the complaints relate to Hackney Carriage/Private Hire Drivers and their vehicles. The remaining 27% relate to general licensing issues such as public entertainment, animal establishments, charitable collections, street trading and sex establishments. Ninety six percent of all complaints received were responded to within 5 days.

	2001/02	2002/03	2003/04	2004/05	2005/06
Hackney Carriage & Private Hire	132	132	136	113	139
General Licensing	85	61	44	26	52
TOTAL	217	193	180	139	191

2.6 **Number of verbal/written warnings distributed to licence holders (622)**

This represents the number of verbal/written warnings issued to licence holders. The majority of such warnings are issued to hackney carriage and private hire vehicle drivers. The majority of street trading matters are dealt with directly through the courts because they are repeat offenders in accordance with the Licensing Enforcement Policy, rather than issued a verbal warning. These warnings are recorded to committee each month together with details of Stop Notices and legal proceedings. The decrease of 12% this year reflects the fact that enforcement resources had to be diverted to deal with the implementation of the Licensing Act.

2.7 **Number of disciplinary actions considered (95)**

This represents the number of cases considered for disciplinary actions by the Public Protection Committee. The decrease in the number of cases being reported to Committee again reflects the reduction in enforcement activity during the year. There was a marked increase public concern about the behaviour of taxicab and private hire drivers during the year and this issue will be especially targeted in the forthcoming year. A number of joint operations have been arranged with South Wales Police and the Vehicle Operator Services Agency to address the public's concern about contraventions of licensing legislation by trade members.

2.8 Number of prosecutions processed (280)

This represents the number of prosecutions submitted by enforcement officers. Street Trading continues to be an ongoing problem requiring a great deal of enforcement resources. Eighty five percent (238) of the total prosecutions relate to street trading offences. Hackney Carriage/Private Hire disciplinary reports are more often dealt with by the Public Protection Committee rather than through the court system. The number of prosecutions has increased during the year reflecting the fact that illegal street trading in the city centre continues to be a problem.

2.9 Number of Vehicle Stop Notices Issued (49)

A Vehicle Stop Notice is issued where a vehicle is believed to be in a dangerous, unsafe or damaged condition. It prevents a vehicle from further use as a licensed vehicle and is only used as a final alternative or where there is a serious risk to public safety. The doubling of the number issued during the year reflects the fact that the section has been conducting joint operations with South Wales Police and officers of the Vehicle and Operator Services Agency (VOSA) in an attempt to improved vehicle standards.

2.10 Number of written and oral knowledge tests (223/192)

This represents the total number of knowledge tests undertaken by the licensing section. There had been a significant decrease in the number of knowledge tests undertaken as a result of the introduction of the DSA Taxi and Private Hire Assessment Driving Test requirement. The number of new applicants taking the test started to rise again in 2004/05 and this trend is continuing.

3. Implementing the Licensing Act 2003.

3.1 The work of the Licensing Section was dominated during the year by the need to meet the statutory targets to issue Premises and Personal Licences as a result of the modernisation of alcohol and entertainment licensing. The following table details the numbers involved.

Premises Licences Issued	1067
Club Premises Certificates Issued	82
Personal Licences Issued	1259
Temporary Event Notices Received	309
Counter Notices Given	13
No. of matters considered at Licensing Sub-Committee Hearings	302
No. Court Appeals Completed to date	22
No. of Reviews Completed	1

3.2 The Licensing Act laid down statutory time limits for dealing with applications during the transition period. Essentially, where the authority was unable to determine an application for conversion within two months the application was automatically deemed granted. The authority managed to determine every application and no applicant claimed an automatic grant. Although 398 application were made in July

and 342 in the last week of the transition period, 96% of Premises Licences and 99% of Personal Licences were determined within the time limits.

- 3.3 The majority of premises continue to operate up to midnight. The following table shows the number of licensed premises which are able to operate until the maximum terminal hour shown.

up to Midnight	702
00.01-01.00	165
01.01-02.00	106
02.01-03.00	52
03.01-04.00	51
04.01-05.00	54
05.00 or later	19

- 3.4 Of the 1149 premises licences and club premises certificates issued the following table shows the type of premises involved.

Premises Type	No of Premises
Pub, Bar or Nightclub	332
Registered Members Club	41
Off Licence	80
Supermarket or Convenience Store	218
Restaurant	193
Takeaway	127
Hotel and Guesthouse	29
Sports Club	58
Theatre and Cinema	7
Village and Community Hall	40
Other	24

4. Further Licensing Legislative Changes.

- 4.1 The Gambling Act received Royal Assent on 7 April 2005. The Act will have an impact on local authorities as they will become responsible for the licensing of gambling premises. By regulation the Department of Culture Media and Sport have set the first appointed day by which all authorities must have published a Statement of Gambling Licensing Policy as 31 January 2007. The details of the transition have not been finalised as yet but it is likely that the Act will be fully in force by September 2007. Clearly this will have a significant impact on licensing work and the Section is working closely with the DCMS to monitor developments.
- 4.2 The Department of Environment, Food and Rural Affairs introduced an Animal Welfare Bill on 10 January 2006. The Bill is designed to simplify animal welfare legislation for enforcers and animal keepers and extend the power to make secondary legislation and bring current licensing powers into a one-stop shop.

4.3 The Governments proposals to modernise Charity legislation has been resumed. During the year the Charities Bill has passed through the House of Lords and is due to be debated in the House of Commons later this year. The proposals for legislation were first published as a Draft Bill in May 2004. Following pre-legislative debate and scrutiny the Charities Bill itself was introduced into Parliament in December 2004 to be timed-out by the May 2005 general election. The Bill was re-introduced following the election on 18 May 2005.

5. Financial Implications

The licensing service is required to be self financing with the majority of expenditure being met from licence fees and charges which are reviewed annually. There are no financial implications arising directly from this report.

6. Legal implications

This report is for information purposes only and, as such, there are no legal implications arising directly from it.

7. Recommendation.

That the report be noted.

5th June 2006

CHIEF STRATEGIC PLANNING AND ENVIRONMENT OFFICER

This report has been prepared in accordance with procedures approved by the Corporate Management Team.

Background papers: None.