

LICENSING AND REGULATION COMMITTEE

27 January 2009

ACTIVITIES OF THE LICENSING TEAM 2008.

REPORT OF HEAD OF LEGAL SERVICES

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report outlines the activities of the Licensing Team of the Legal Services Division for the year 1 January to 31 December 2008.

RECOMMENDATIONS:

That the Report be noted.

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DETAIL:

1 Introduction

- 1.1 The Licensing Team (one of three Teams in the Legal Services Division) is staffed by a Licensing and Registration Manager, two Assistant Licensing and Registration Officers and an Administration Assistant.
- 1.2 Some administration functions are also shared with the Legal Services Administration Assistant.
- 1.3 The Team is responsible for the issue of licences granted under the Licensing Act 2003, and Gambling Act 2005.
- 1.4 It regulates taxis and private hire vehicles and drivers, and private hire operators.
- 1.5 It is also responsible for the administration of street and house to house collections, lotteries, the High Street banner and the hire of St Maurice's Covert.
- 1.6 The officers also arrange burials under the Public Health Act 1936.

2 Licensing Act 2003

- 2.1 Under the Licensing Act 2003, there are currently 770 personal licences, 530 premises licences and 46 club premises certificates.
- 2.2 During the year to date, 14 applications were received for new premises licences and 16 applications to vary premises licences. Three of the new applications were determined by the Licensing Sub Committee, and granted with conditions.
- 2.3 Applications for reviews of three premises licences were heard by the Licensing Sub Committee. Two were granted with additional conditions added to the premises licences. One was adjourned until January 2009, and was recently granted subject to amended conditions.
- 2.4 30 premises licences were transferred, and variation of designated premises supervisors amounted to 138 applications.

- 2.5 9 premises licences were surrendered and two lapsed owing to the companies being insolvent or dissolved. One club premises certificate was surrendered.
- 2.6 152 applications were received for personal licences. Two were determined by the Licensing Sub Committee and refused. One application from 2008 is pending, subject to hearing by the Licensing Sub Committee.
- 2.7 The Council received 608 temporary event notices of which 22 were invalid owing to late submission or because limits were exceeded. There were no counternotices issued by the Police against any of the valid notices.

3 Gambling Act 2005

- 3.1 Under the Gambling Act 2005, there are seven premises licences, consisting of five betting shops and two adult gaming centres. The adult gaming centres were also subject to transfer of the licences.
- 3.2 There are 22 premises with gaming machines, of which 18 have registered as licensed premises providing up to two machines, two have gaming machine permits for more than two machines and two premises have club gaming permits.
- 3.3 Of the 140 lottery registrations, 57 were new applications.

4 Taxis and Private Hire

- 4.2 135 hackney carriages were licensed together with 156 hackney drivers.
- 4.3 231 private hire vehicles, 176 private hire drivers and 62 operators were licensed.

5 Banner, Collections and Miscellaneous Permits

- 5.1 The banner site in the High Street, between Monsoon and Vodafone, was hired on 26 occasions and St Maurice's Covert, for charity table sales, on 82 days.
- 5.2 Permits were issued for various street collections. In the city centre, 38 collections were held and a further 32 were held outside of the city centre.
- 5.3 Street collection permits were also issued for carol singing. 14 took place at the Buttercross in the High Street, and 5 in the rural area.
- 5.4 Permits were issued for 24 house to house collections and the Team were notified of five house to house direct debit collections (as these are not collected cash, these are treated as being outside of the current legislation, although this position will change when the relevant parts of the Charities Act 2006 are implemented, although no date for this has been given by the Charities Commission.)

5.5 Direct debit collections (which are not currently controlled under legislation, but which are notified to the Council under an informal agreement with the organisers) were held in the High Street, Winchester, on 107 occasions throughout the year.

6 Enforcement and Compliance

6.1 Officers have made visits to licensed premises, often in company with Environmental Health Officers, Police Officers, Fire Officers and the Gambling Commission Compliance Officer. These visits were undertaken owing to complaints about the premises or to ensure compliance with the legislation.

6.2 Five premises licence holders received warning letters relating to noise complaints or unlicensed activities.

6.3 Seven licensed drivers had their licences suspended for reasons relating to medical condition, driving standards, assault and indecent assault. One driver remains suspended owing to his medical condition.

6.4 One of the drivers was convicted of indecent assault and his licence was revoked.

6.5 A private hire driver was refused renewal of his driver licence in 2007 on medical grounds. He appealed to the Magistrates Court and the appeal was allowed. This Council appealed that decision at the Crown Court in June 2008. The Court upheld the appeal and the licence was not renewed. The driver then surrendered his private hire vehicle licence.

6.6 Three vehicle licences were suspended owing to their mechanical condition.

6.7 Officers visited taxi ranks out of normal office hours in order to ensure compliance with the legislation and conditions.

7 Other duties

7.1 Nine public health burials were arranged by licensing officers.

7.2 Statistics and data were provided to organisations such as HM Revenue and Customs, the Audit Commission, Chartered Institute of Public Finance and Accountancy, and Home Office UK Immigration Service.

OTHER CONSIDERATIONS:

8 CORPORATE STRATEGY (RELEVANCE TO):

8.1 This report covers issues which affect the principles of “safer and more inclusive communities” and “safeguarding our high quality environment for the future.”

9 RESOURCE IMPLICATIONS:

- 9.1 The work of the Team is largely funded through fees, some of which are fixed (Licensing Act 2003) or otherwise controlled (Gambling Act 2005). Other fees are set by the Council (such as hackney carriage and private hire fees, table and chair permits, etc). Occasionally, the costs of public health burials can be recovered from the estate of the deceased, although usually the estate has no funds. Any shortfall must be met from the Council's general resources. A separate report on fees appears elsewhere on this agenda.

BACKGROUND DOCUMENTS:

None

APPENDICES:

None