

Eden District Council

Council

10 May 2018

Licensing Committee Annual Report 2017-2018

Portfolio:	Not applicable
Report from:	Chairman of the Licensing Committee
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To provide general information on the activities of the Licensing Committee during the municipal year 2017 – 2018.

2 Recommendation

That the contents of the report be noted.

3 Report Details

- 3.1 As Chairman of the Licensing Committee I am pleased to report on the work of the Licensing Committee and of the officers in Environmental Health and in the Licensing Team which support the Committee's work.
- 3.2 The Council's Licensing Committee deals with many aspects of licensing and most of its work continues to be discharged on its behalf through delegated powers granted to officers. A list of the Members of the Committee appears at the end of this Report as Appendix 1.
- 3.3 Matters which cannot or which are not appropriate to be dealt with through the Scheme of Delegation for Officers are dealt with by the Licensing Committee under the Scheme of Delegation granted by the Council or under other powers given to it directly by Parliament.
- 3.4 The Council's Constitution sets out in Part 3 ('Responsibility for Functions') the wide range of licensing matters undertaken by the ten elected Members who serve on the Licensing Committee (or by their standing deputies). The scope of the Committee's responsibilities are wide encompassing acupuncture, alcohol licensing, regulated entertainment, late night refreshment, animal boarding establishments, boats and boatmen, caravan sites, dangerous wild animals, dog breeding, ear piercing, electrolysis, game dealing, gaming and gambling, house to house collections, pet shops, private hire and hackney carriage licensing, riding establishments, scrap metal dealers, street trading, street collections, tattooing, taxi licensing, and zoos.
- 3.5 There have been two internally delivered training sessions. For all Committee members the first was on the 7th June 2017. A second session was held for the benefit of members who had not been able to attend the earlier session and was held immediately prior to the Committee's meeting on 7th February

2018. The training summarised the range of functions which are the responsibility of the Committee. The training also reminded members of the quasi-judicial nature of their decision making role.

- 3.6 There has been one formal meeting of the Licensing Committee for which there was only one significant item of business. The Committee considered a report relating to revision of license conditions for pleasure boats and boat operators on Ullswater. The Committee requested several amendments and, subject to those, resolved to adopt the proposed conditions and set a licence fee relating to paddleboards.
- 3.7 The attached Appendix 2 sets out a summary from the Licensing team of:
 - (a) the number of Licences in existence within the District and consequently subject to the Council's oversight; and
 - (b) the number of applications and Notices considered by Licensing Officers under their delegated powers and by the Committee when referred to the Committee by Officers.
- 3.8 The Licensing Team dealt with the making of a Public Spaces Protection Order ("PSPO") to replace the existing Designated Public Space Order both relating to imposition of restrictions upon the consumption of alcohol in public places. This work included a wide and substantial public consultation, assessment of the responses and reporting to the Executive meetings of 5th December 2017 and 3rd April 2018 (after conclusion of the consultation). Executive resolved on 3rd April 2018 to approve the making of the PSPO in certain areas of Eden.
- 3.9 The Licensing Team intends to undertake further consultation during the course of this year in relation to the Council's Gambling Policy and additionally the Taxi Licensing Policy.
- 3.10 The attached Appendix 3 sets out a summary from the Food, Health and Safety Section within Environmental Health of the current number of licences and registrations within the District and consequently subject to the Council's oversight.
- 3.11 None of these decisions taken by the Licensing Committee, the Executive or Licensing Officers were subject to judicial review and none were appealed against through the formal court process laid down for such appeals.
- 3.12 Much work is done by the Licensing Team throughout the year across the diverse range of licensing activities from acupuncture to zoos. Whilst customer satisfaction levels commendably remain high, it is important not to be complacent.
- 3.13 I express my sincere thanks to the relevant officers concerned for their dedicated work over the course of the last year. In particular I note the routine licensing matters as in Appendix 2 and 3 but also the significant work devoted to the making of the PSPO described in paragraph 3.8 above. This includes the work of secretarial staff, support staff in the Contact Centre, the staff in Member Services who provide the committee administration before, during and after meetings of the Committee and the in-house legal staff.

- 3.14 Finally, it would be remiss of me not to thank my fellow Councillors on the Licensing Committee for their work representing and supporting the people of the District of Eden, enabling the public at large to be safeguarded whilst pursuing their leisure and business activities.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:

- Decent Homes for All;
- Strong Economy, Rich Environment;
- Thriving Communities; and
- Quality Council.

- 4.2 The work by and on behalf of the Licensing Committee supports Strong Economy, Rich Environment, Thriving Communities and in particular the Quality Council priority.

5 Consultation

- 5.1 There has not been any consultation on this report.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.
- 6.1.2 There are no proposals in this report that would reduce or increase resources.

6.2 Legal

- 6.2.1 There are no legal implications arising directly from this report.

6.3 Human Resources

- 6.3.1 There are no Human Resources implications arising directly out of this report.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no such implications arising directly out of this report.
Health, Social Environmental and Economic Impact	There are no such implications arising directly out of this report.
Crime and Disorder	There are no such implications arising directly out of this report.
Children and Safeguarding	There are no such implications arising directly out of this report.

6.5 Risk Management

Risk	Consequence	Controls Required
That decisions made by the Council as Licensing authority are not sound and subject to legal challenge.	Potential adverse findings by the courts and resulting legal costs.	1. Sound management and a properly resourced team. 2. Appropriate legal and technical advice provided to officers and members.

7 Other Options Considered

7.1 None.

8 Reasons for the Decision/Recommendation

8.1 Members are asked to note the information given in this report.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	25 April 2018
Monitoring Officer (or Deputy)	20 April 2018
Relevant Assistant Director	25 April 2018

Background Papers: None.

Appendices: None.

Contact Officer: David Rackstraw, Senior Solicitor
Telephone: 01768 212250

Licensing Committee Membership 2017 / 18

Chairman

Councillor R Sealby

Vice Chairman

Councillor G Nicolson OBE

Members

Councillor D Banks

Councillor M Clark

Councillor R Howse *resigned on 12th January 2018*

Councillor S Jackson

Councillor V Kendall

Councillor J Raine

Councillor M Rudhall

Councillor L Sharp

Councillor M Tonkin

Councillor J Derbyshire (Standing Deputy)

Councillor J C Lynch (Standing Deputy)

Councillor William Patterson (Standing Deputy)

Councillor Mary Robinson (Standing Deputy)

Councillor Virginia Taylor (Standing Deputy)

Councillor John George Thompson (Standing Deputy)

Appendix 2

Applications & Licences 1 April 2017 to 31 March 2018

No of Licences as at 31 March 2018

Licensing Act 2003

Personal Licences	Premises Licences with Alcohol	Premises Licences without Alcohol	Premises Licences Vessels	Club Premises Certificates	No of Temporary Event Notices during the year
<i>Indefinite</i>	<i>Indefinite</i>	<i>Indefinite</i>	<i>Indefinite</i>	<i>Indefinite</i>	<i>On demand</i>
1160	336	75	5	13	298

Hackney Carriage / Private Hire

Hackney Carriage	Hackney Carriage Drivers	Private Hire Operators	Private Hire Vehicles	Private Hire Drivers
<i>Annual</i>	<i>1 or 3 yrs</i>	<i>1 or 5 yrs</i>	<i>Annual</i>	<i>1 or 3 yrs</i>
82	89	19	28	54

Gambling Act 2005

Adult Gaming Centres - <i>Indefinite</i>	3
Betting (other than track) - <i>Indefinite</i>	4
Family Entertainment Centre Permits - <i>10 years</i>	5
Club Machine Permits - <i>10 years or indefinite</i>	5
Licensed Premises Gaming Machine Permits - <i>Indefinite</i>	5
Gaming Machine Notifications - <i>Indefinite</i>	52
Small Society Lotteries Registrations - <i>Indefinite</i>	139
No of Occasional use Notices during the year - <i>On demand</i>	19

Other Licences/Permits

3 Pleasure Boat and 3 Restricted Boat Operator - *1 year*

11 Street Trading Consents - *daily / 6 months / 1 year*

25 House to House Collection Licences *on demand*

46 Street Collection Permits *on demand*

Total No of Licence Applications / Notices

During the period 1 April 2017 to 31 March 2018:

Officer delegated decisions:	921
Committee decisions:	
Granted	0
Refused	0

Appendix 3

Food, Health and Safety Section of Environmental Health No of current Licences and Registrations as at 31 March 2018

Zoo licences	2
Animal Boarding	18
Pet Shops	3
Dangerous Wild Animals	0
Dog Breeding	3
Riding Establishments	7
Skin Piercing	45
Caravan Sites	98
Tent Sites	4