

Report to the Council

Committee: Cabinet

Date: 16 December 2008

Subject: Corporate Support and ICT Services Portfolio

Portfolio Holder: Councillor Mitchell Cohen

Item: 6(e)

Recommendation

That the report of the Corporate Support and ICT Services Portfolio Holder be noted.

The main areas of work undertaken by the Licensing team are:

- Ensuring that the Council's policies are reviewed and updated as required by statute and government guidance which involves undertaking consultations with interested parties.
- Preparing the agenda for, attending, advising and giving evidence at the Licensing Committee and Sub-Committee
- Processing and issuing a variety of licences
- Undertaking compliance visits to ensure that the conditions of the licenses are being observed.
- Undertaking PACE Interviews, issuing cautions and giving evidence in the Magistrates Court, and

Giving advice and supplying information to members, officers, members of the public with regards to all aspects of licensing

Licensing Committee and Sub-Committee

The Licensing Committee usually meets twice yearly to decide matters of policy. It also hears from the police and other agencies as to initiatives in the area regarding liquor and other types of licensing which benefit the District's residents. The Committee develops its policies and requirements in relation to licencing so that they will further protect the residents from crime and disorder, public nuisance and public safety as well as, of course, protecting children from harm..

The Sub-Committee, which is composed of three members of the full committee with one extra member in attendance in case of need, meets on a monthly basis to decide the more complex licensing applications or those applications which statute require are heard by members.

As well as applications, the Sub-Committee hears reviews either on statutory grounds or where a licensee has not complied with the conditions of their licence. On two occasions in the last year Trading Standards Officers from Essex County Council together with the police have applied for premises licences to be reviewed following the sale of liquor to young persons under the age of eighteen. In both cases the licences were revoked.

The licensees both appealed. Although the premises were similar there was a different background to the management of the premises and the appeal is heard on the basis of the facts at the date of the appeal hearing. In one case the magistrates upheld the Sub-committee's decision and in the other the licence was suspended for three months.

Taxi Licensing

The largest numbers of applications relate to taxi licensing. The types of licences issued are:

Hackney Carriages – There are currently 432 drivers licences and 342 vehicle licences.

Private Hire - 50 private hire drivers licences, 96 vehicles licences and 68 operators licences.

The Licensing service processes on average 10 new applicants a week and approximately 70 renewals a month with each application taking an hour. As part of its policy review the full committee is presently investigating ways in which it can provide incentives to taxis which provide services to the elderly or disabled or which are proved to be environmentally friendly.

Officers check with the Criminal Records Bureau as to whether the drivers have criminal convictions and medical reports are requested. The vehicles are examined by the Council's staff at Langston Road. If the application does not comply with criteria set out in the Council's policies then the application is referred to the sub-committee.

If an application is turned down then the applicant can usually appeal to the Magistrates Court and the licensing service will instruct legal services to represent the Council.

When complaints are made against licence holders the team will investigate, if applicable issue a caution or instruct legal to take any necessary action.

The volume of work that is dealt with by the licensing section continues to grow which does put high demands upon the licensing team and resources.

Essex County Council have recently approached the Council to enter into a quality partnership link which will involve the County, Essex Police, fire service and other districts. This will be reported to members when further information is available.

The enforcement team with the assistance of the licensing team and the police carry out enforcement work to with regards to unlicensed taxi touts.

Licensing under the Licensing Act 2003

This act regulates the sale of alcohol, on and off premises, entertainment, theatres films etc. The Council must have a licensing policy which is reviewed at least every three years and all decisions must have regard to the policy. Epping Forest currently have issued 402 premises licences and 814 personal licences

If there is an objection an application for a licence it is referred to a sub-committee for decision. The Police, Trading Standards and other persons and bodies who specified in the act may ask for any licence to be reviewed. The application is heard by the sub-committee. Any appeal against the decision of the sub-committee is heard by the magistrates court.

The Licensing Service has noticed an increase of the numbers of applications especially changes of Designated Premises Supervisor applications and Temporary Event licences.

Gambling Act 2005

The Council has 24 Betting Offices in the district at present

There have been no appeals against any decision made by the Sub-committee in respect of any betting office application.

Other Licences

In addition the service processes licences in respect of:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Guard Dogs Act 1975
House to House Collections Act 1939
Pet Animals Acts 1951 & 1981
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
Zoo Licensing Act 1981
Motor salvage operator
Sex shop licences