

Licensing Committee Meeting	
Meeting Date	13 th February 2024
Report Title	To provide an annual update on the activities of the licensing team under the Licensing Act 2003, Gambling Act 2005 and taxi legislation together with other general licensing matters for the year 2023
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Community Services
Lead Officer	Christina Hills, Licensing Team Leader
Classification	Open
Recommendations	1. That Members note the report. Future reports will be provided on an annual basis.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to inform Members on the activities and performance of the licensing team during 2023 and to show aims and targets for the forthcoming year.
- 1.2 This is the first time such a report has been produced but it is the intention that future reports of this nature will be produced on an annual basis.

2 Background

- 2.1 The licensing team comprises of a licensing team leader, 2 licensing officers and a licensing admin assistant and sits within CSU under the stewardship of the Community Services Manager.
- 2.2 The team are responsible for discharging a wide range of statutory licensing, registration and enforcement functions in Swale under various pieces of legislation associated with licensing activity, which include:
 - Licences associated with the sale and supply of alcohol, regulated entertainment and late-night refreshment as required by the Licensing Act 2003
 - Licences and permits issued under the Gambling Act 2005 for gambling premises such as betting shops, bingo premises and arcades, as well as gaming machines and small lotteries registration.
 - Licences for taxi drivers, vehicles and operators under various legislation and the Statutory Taxi and Private Hire Vehicle Standards 2020

- A range of miscellaneous licences such as street trading, scrap metal, sex establishments and sexual entertainments venues, pavement licences and street and house to house collection licences.
- 2.3 The team are responsible for the development and review of all associated policies, whether they are a statutory requirement, or developed locally for the benefit of both licensees and the general public as well as to guide officers and Members in their decision making.
 - 2.4 The service manages its own finances which includes invoicing businesses, taking payment, chasing and enforcing non-payment of annual fees for all licensed premises and suspending licences where necessary, although there are very few licences where this happens. It is important to note that some licence fees are set by central government, but where fees can be set locally, they should be cost neutral and be set just to administer and enforce the licensing regime rather than to be used as an income stream for the Council.
 - 2.5 The total amount received in licence fees during 2023 was £144,670 for licensing and gambling and £101,615 for taxis. There will be variances to these amounts year on year as some licences are cyclical and renewed on a three yearly basis rather than annually, in line with relevant legislation.
 - 2.6 The licensing team works in partnership with other council departments, the police, fire and rescue service and trading standards, other government departments, residents and businesses, to promote the licensing objectives, reduce crime and disorder, promote a safe and enjoyable night-time economy, and ensure the safety of the travelling public in the Borough whilst ensuring that it is fulfilling its functions efficiently.
 - 2.7 A substantial amount of time is spent in providing guidance and assistance regarding the various licensing processes as well as investigating complaints.
 - 2.8 Officers occasionally conduct inspections of premises to ensure compliance with authorisations and advise businesses of their responsibilities.
 - 2.9 Since the pandemic the number of pro-active inspections carried out by the team has reduced quite significantly, both as a result of the enforced closure of premises and then by the team being understaffed for a prolonged period of time. Whilst the staffing position has now been rectified, it has taken some time for the additional team member to be trained sufficiently in order to free up time from other officers to enable inspections to be resumed, although where necessary inspections have continued on an intelligence led basis or where thought to be necessary as a result of complaints received from the public. There were 30 such visits conducted during 2023.
 - 2.10 The enforcement/compliance functions also involve investigations into complaints and sometimes alleged unauthorised activity. Formal enforcement action is taken when merited and the team produce reports for Licensing Sub-Committee

hearings in order for Members to consider what further enforcement action may be appropriate.

- 2.11 With regards to complaints about the activities and behaviour of licensees the licensing team received the following during 2023:

Taxi complaints – 46
Licensed premises – 13
Street Trading – 2

In all cases contact is made with both the complainant to gain a better understanding of their concerns and then the licence holder is made aware of the complaint and the allegations discussed with them.

All discussions and emails are recorded, and appropriate enforcement action is taken which can range from verbal or written warnings to the necessity to serve closure notices or review applications (premises licences) or penalty points (taxi drivers and operators).

As Members can imagine some of these cases involve many hours of work.

There will also be other complaints that are received which are not within the direct remit of the licensing team to resolve e.g. crime and disorder or noise issues which are referred to the lead agency i.e. Kent police or the environmental health department so that they can undertake their own investigations.

- 2.12 The licensing team work with minimum delay in processing any applications or production of licences and we believe we offer a friendly and informative service to our customers. This can sometimes be quite challenging, particularly with applicants where English is not their first language, but we always aim to be of as much assistance as we possibly can be.
- 2.13 Whilst there are no local performance indicators, the turnaround times for applications is usually the same day or at the latest the day after. All applications that have statutory timescales which include processing an application on the day of receipt are complied with 100% of the time. Where applications require a consultation period, licences are issued immediately after the expiration of that timeframe unless there are representations made against them which require a hearing
- 2.14 A summary of the numbers of different licences and processes undertaken by the licensing team during 2023 is attached as **Appendix I**.

3 Proposals

- 3.1 During 2024 there are number of policies which will require being presented to Licensing Committee for consideration and updated in a timely manner, after public consultation exercises have been conducted

- 3.2 Also, during the coming year our aim is to increase the number of pro-active inspections that we carry out. The purpose of these inspections is to alert licence holders to any breaches of their licence or offences contrary to the Licensing Act 2003 and to make them aware of best practices. This approach does improve self-regulation and compliance but the potential of a review application or a prosecution of those who fail to comply with the Act, or their licence conditions remains an option.
- 3.3 Recent focus for inspections has been on convenience stores, and will continue to be so, as it is these premises that are generally found to have a higher rate of non-compliance. Both the licensing authority and the Police have already been increasing checks at these types of premises. We have also received some training from Trading Standards around the issue of illegal vapes and will use our inspection process to feed back to them where we have concerns.
- 3.4 The risk of a review of a premises licence continues to be the most effective deterrent to club and premises licence holders.
- 3.5 Taxi driver licences are issued on a 3 yearly cycle with the majority of licences due to be issued during 2024. Whilst this will be reflected in the income received by the Authority, this will impact on the workload of the team as there are now additional checks that we are required to conduct around right to work, checking on the nationwide register of refusals, revocations and suspensions in other local authorities (called the NR3 register) and tax check codes which are in addition to DBS and DVLA checks that are carried out every 6 months against every licensed driver.
- 3.6 Data integrity is a continuous project within the team, and we continue to review and improve the recording and management of application and licence data held on the sections licensing database (Uniform) and document management system. Additional training is being planned so that management reports can be run easily, and complaints will then be able to be recorded on a central system rather than against individual files which is all we can do at present.
- 3.7 We are in the process of reviewing the information published on the Council's website and are working with the Communications team to ensure that it is both up to date and also made more user friendly.

4 Alternative Options Considered and Rejected

- 4.1 To not present Members with an annual report. There is no statutory requirement for an annual report of this nature to be presented to Licensing Committee, but it is felt that by doing so we create a better understanding of the work of the team which can enhance the relationship between Members and officers.

5 Consultation Undertaken or Proposed

- 5.1 This report is for information purposes only.

6 Implications

Issue	Implications
Corporate Plan	Licensing functions support the objective of ‘ensuring the council plays a proactive role in reducing crime and ASB....’
Financial, Resource and Property	<p>There are no direct financial, resource or property implications in presenting an annual report.</p> <p>The licensing team work with internal and external agencies to make the best use of resources and information sharing.</p>
Legal, Statutory and Procurement	<p>When determining applications, the licensing authority must have regard for governing legislation and will be assisted by any guidance issued by the Department for Transport, Home Office, or Gambling Commission.</p> <p>In addition, where there is an associated statement of licensing policy, this will set out the principles the council will use to exercise its functions under that policy, and in making decisions the council will have regard to the same.</p> <p>The Council have produced effective policies in respect of all licensing matters.</p> <p>All licence applications are processed according to statutory requirements and within statutory timescales.</p>
Crime and Disorder	The licensing role of the Council is important in improving the safety, security and welfare of the Borough’s residents, visitors and business community
Environment and Climate/Ecological Emergency	The Council’s Taxi Licensing Policy was approved recognising that the Council has declared a climate change emergency.
Health and Wellbeing	No direct implications.
Safeguarding of Children, Young People and Vulnerable Adults	Licensing regimes are, in part, designed to safeguard children and vulnerable adults. Ensuring that the licensing service is able to undertake its functions effectively is therefore crucial to this.
Risk Management and Health and Safety	<p>It is important that Swale BC has a robust and accountable regulatory regime in relation to its licensing functions in order to ensure fair trading, prevent crime and to protect the public.</p> <p>Licensing regimes are designed to regulate licensable activities in such a way as to support the prevention/reduction of crime and</p>

	disorder through the imposition of permissible conditions and appropriate enforcement.
Equality and Diversity	<p>The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.</p> <p>The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.</p> <p>Licensing Policies and Licensing decisions all have regard to the Council's Equalities duties.</p> <p>This report is for information only and is not requesting or proposing any changes to policy. Therefore, there is no impact on those with protected characteristics as a result of this report.</p>
Privacy and Data Protection	As licence applications involve the processing of personal data, GDPR and Data Protection Act 2018 principles are followed

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Summary of the numbers and different licensing processes during 2023.

8 Background Papers

Licensing Act 2003 (as amended)

Gambling Act 2005

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

Scrap Metal Act 2013

Police, Factories etc (Miscellaneous Provisions) Act 1916

House to House Collections Act 1939

Business and Planning Act 2020

DfT Statutory Standards 2020