

Report to: Licensing and Enforcement Committee



Date of Meeting 13 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Committee Update - Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing

Report summary:

The report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing including Street Trading and Pavement Licences

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the report be noted

Reason for recommendation:

To keep the Council's statutory committee up to date with current arrangements relating to the Licensing Service.

Officer: Phillippa Norsworthy, Licensing Manager (Governance and Licensing)

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information N/A

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1 Licensing Act 2003

1.1 Applications Received, Licences Issued and Notices Given

- 1.1.1 This report informs the Committee with regard to any strategic or national updates for each area of licensing work covering the period from December 2023 to February 2024.
- 1.1.2 During the reporting period the Licensing Team saw an increase in application numbers when compared to the previous reporting period. At the time of writing this report, 37 premises applications were being processed, this sum includes, new premises applications (including time limited premises applications), variations, minor variations transferring and varying the DPS applications. In addition, the team continue to receive a high number of Temporary Event Notices (TENs), with 117 received within the time period, although this figure is a slight drop from the previous report. It is anticipated the number of TENs will increase as we move towards the spring and summer months. The Team continues to actively liaise with event organisers both informally and through the East Devon Safety Advisors Group. The Team have recently re-established their regular bi-monthly liaison meetings with Environmental Health.

1.2 Hearings

- 1.2.1 Licensing Officers arrange mediation if appropriate when representations are received for applications and there have been three contested applications since December 2023. One premises licence application had the only representation withdrawn and two further applications were put forward to a Licensing and Enforcement Sub-Committee hearing to take place on 6 March 2024.
- 1.2.2 The Licensing Sub-Committee hearing due to take place on 6 March 2024 will be to hear two contested applications for time limited premises licences, which are both part of the Sidmouth Folk Festival.

1.3 Premises Visits

- 1.3.1 For the time period, October to December 2023, Licensing Officers have visited 13 premises of interest with a total of 57 for the year ending 2023.

2 Gambling Act 2005

2.1 Applications Received, Licences Issued and Notices Given

- 2.1.1 The Gambling Commission circulates a regular bulletin for licensing authorities outlining changes in legislation and any enforcement action taken. The latest bulletin can be found here: [E-bulletin 26 February - Gambling Commission newsletter \(mailchi.mp\)](#)
- 2.1.2 On 27th April 2023 the Government published it's White Paper "Gambling Reform for the Digital Age" ([High stakes: gambling reform for the digital age - GOV.UK \(www.gov.uk\)](#)),
On 29 November 2023 the Gambling Commission launched a second consultation on five sets of proposed changes to the regulatory framework following on from the Government's Gambling Review. They are as follows:

- Socially Responsible Incentives.
- Customer-led tools.
- Improved Transparency on Customer Funds in the event of Insolvency.
- Changes to the frequency of regulatory returns submissions.
- Removing obsolete Commission requirements due to the Government's upcoming statutory levy (LCCP RET list).

Attached at **APPENDIX A** is the Autumn 2023 Consultation on proposed changes to Licence Conditions and Codes of Practice (LCCP) and Remote Gambling and Software Technical Standards outlining the proposed changes. This consultation finished on 21 February 2024.

[Autumn 2023 consultation on proposed changes to Licence Conditions and Codes of Practice \(LCCP\) and Remote Gambling and Software Technical Standards \(RTS\) - The Gambling Commission - Citizen Space](#)

It is for Members to note this consultation as the proposed changes relate primarily to online gambling and not to land based gambling premises.

- 2.1.3 In addition, the Gambling Commission launched a third consultation on 15 December 2023, 'Proposed changes to financial penalties and financial key event reporting.' This consultation is part of the 'business as usual' proposed changes relating to clarity and transparency to the way financial penalties are calculated and financial key event reporting by licensees to make sure the Gambling Commission has the correct information for risk-based regulation. [2023 Consultation on proposed changes related to financial penalties and financial key event reporting - The Gambling Commission - Citizen Space](#) The consultation is due to finish on 15 March 2024.

It is for Members to note this consultation as the proposed changes relate primarily to gambling licensees.

- 2.1.4 The Gambling Commission are currently analysing the consultations responses received in October 2023 and will be providing a response in 2024.

3 Taxis

3.1 Applications Received and Licences Issued

- 3.1.1 Officers continue working effectively by issuing licences upon receipt of fees and all relevant documentation. The latest figures indicate a drop in the number of taxi driver and vehicle licences, and an increase in the number of private hire driver, vehicle and operator licences.

Year	Taxi Driver Licences	Taxi Vehicle Licences	Private Hire Drivers	Private Hire Vehicles	Private Hire Operators
2016	206	170	22	18	15
2017	195	165	26	20	13
2018	179	161	30	24	16
2019	162	148	37	31	20
2020	155	126	40	32	18
2021	156	129	41	37	19
2022	153	135	52	40	22
2023	155	133	49	42	24
Feb 2024	146	129	51	43	26

- 3.1.2 Officers continue to use the NR3 Register of Revocations, Refusals and Suspensions to check all new applications and applications for renewal. Officers have now also uploaded the

required details of those individuals who have been revoked or refused a licence in East Devon, or had their licence suspended. The Government announced on 26th April 2023 that it is now mandatory for local authorities in England to use the NR3 register (East Devon District Council have been using the register since April 2022).

3.2 Enforcement

- 3.2.1 The licensing team records and investigates complaints received from the public and reported by other drivers which is recognised as an effective procedure by the Department of Transport (DfT).
- 3.2.2 During the reporting period, eight complaints relating to drivers and vehicles have been received. This is an increase in reported complaints from the previous reporting period. All received complaints were investigated by Officers.
- 3.2.3 Complaints to the Licensing Authority included complaints against driver suitability, alleged dangerous driving and low level offences such as not displaying vehicle external plates and or roof signs.
- 3.2.4 In addition to the received complaints the Licensing and Enforcement Sub-Committee have suspended one driver for a minimum period of three months and have refused an application for the grant of a Private Hire Driver Licence.

3.3 Hearings

- 3.3.1 Licensing sub-committee hearings for taxi related matters occurred on:
 - 6 February 2024, Hackney Carriage Driver suitability.
 - 21 February 2024, Application for the grant of a Private Hire Driver licence and an application for the grant of a Hackney Carriage Vehicle licence.

3.4 Taxi and Private Hire Policy changes

- 3.4.1 Officers have previously reported the need to revise the council's Taxi and Private Hire policy, with significant work already having been undertaken to prepare a draft policy that will be reported at a future meeting of this Committee.
- 3.4.2 Following discussions between Officers and the Chair/ Vice Chair, it was decided that the policy amendments would be divided into two sections. Firstly the policy amendments required to fully align the Policy with the Taxi and Private Hire Statutory Standards, and secondly further East Devon specific policy amendments. The draft policy containing the changes to update the Policy in-line with the Taxi and Private Hire Statutory Standards was presented and approved by this Committee at the meeting on 19th July. Following approval by Full Council these changes have now been communicated to the taxi trade via a taxi newsletter and at a recent taxi trade meeting.

3.5 Meeting between Councillors, Taxi Proprietors and Officers

- 3.5.1 Officers remain in regular contact with the East Devon Taxi Association (formerly the Exmouth Taxi Association), and continue to offer support through sharing information to all licenced drivers over email. Officers have also committed to regularly attending the Associations meetings, the last of which being on 27 February 2024. The role of Officers at these meetings is primarily to answer questions from the Trade and to provide updates on any regulatory or policy changes.

3.6 Taxi Tariffs Fares

3.6.1 The Taxi Fare table effective from 22nd December 2022 remains valid. A request to review the fares has been received from the East Devon Taxi Association. A separate report to the Licensing and Enforcement Committee has been provided.

3.7 Taxi Rank Consultation Update

3.7.1 The consultation to review the taxi ranks provision in East Devon and proposals for amendment finished on 8 January 2024. A separate report to the Licensing and Enforcement Committee has been provided.

4. General Licensing – Street Trading Consents

4.1 Applications Received Street Trading Consents Issued

4.1.1 At the time of writing this report there are 24 Street trading consents in operation.

5.1 Temporary Pavement Licences (Business & Planning Act 2020)

5.1.1 The legislation that allows business to apply to the Licensing Authority to place tables and chair on public highways has now been amended to extend the provision until 30th September 2024, which means there remains two separate regimes that businesses can apply for a pavement licence under, being the temporary 'fast track' arrangements that District Councils administer since 2020, alongside the continuing regime for pavement licences Devon County Council has held the responsibility for many years.

5.1.2 There are currently 4 Pavement Licences administered by this authority, however the Licensing Team have received an increase in applications at the time of writing this report, than in previous years.

5.1.3 Officers will continue to keep developments under review and at the time of writing this report, no commencement date for the Levelling Up and Regeneration Act 2023 has been published nor has any guidance regarding the Act been issued to District Councils regarding permanent pavement licences.

6. Councillor Training and Elections

6.1.1 Training is mandatory to provide sufficient understanding for Members to determine contested applications at licensing sub-committee hearings and to withstand any challenges upon appeal.

6.2.1 Further to the Councillor training sessions provided by the Institute of Licensing for subsequent catch up training for those not able to attend any Institute of Licensing (IOL) training has not been requested from Members during the reporting period.

6.3.1 The [Licensing Act 2003 Councillor's handbook \(England and Wales\)](#) is also an informative briefing that was updated last year.

Financial implications:

“There are no finance implications”

Legal implications:

“There are no legal implications requiring comment”