

Report to: Licensing and Enforcement Committee



Date of Meeting 8 May 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

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

Climate change Low Impact

Risk: Low Risk; Click here to enter text on risk considerations relating to your report.

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
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Report in full

1 Licensing Act 2003

1.1 Applications received, licences issued, premises visited and number of hearings.

1.2 As a previous meeting was postponed from 14 February until 13 March, the figures to note will be from 13 March to the time of writing this report. This will be referred to as the 'reporting period'.

1.3 During the reporting period and at the time of writing this report the licensing team received and processed 129 applications, these all included, new premises licence applications, full and minor variations, transfer of the premises licence, DPS variations and Temporary Event Notices (TENs). As well as other miscellaneous administrative functions.

1.4 A total of 10 personal licences were issued in the reporting period.

1.5 A total of 5 premises of interest were visited during the reporting period.

1.6 No Licensing Act 2003 applications have been referred to the Licensing & Enforcement Sub-Committee since 13 March 2024 and at the time of writing this report.

2 Pavement Licencing

2.1 On 31 March 2024 the Levelling Up & Regeneration Act 2023 (LU&RA 2023) came into force. This means that the temporary pavement licences issued under the Business & Planning Act 2020 are now permanent by way of the LU&RA 2023. A separate report is provided.

3 Gambling Act 2005

3.1 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 : [March LA Bulletin \(mailchi.mp\)](#)

3.2 The Gambling Commission's annual return 2023 to 2024 from local authorities is due on 30 June 2024.

3.3 Over the Summer of 2023, the Gambling Commission and HM Government launched a series of public consultations on a significant number of proposed amendments to gambling regulation across the UK. The Licensing Committee directed Officers to draft responses to the consultations and approved the responses put forward. Several of the proposed amendments addressed by the public consultations have the potential to significantly impact on Local Authority gambling regulation, but the Gambling Commission have confirmed that it is still considering the responses received and will not be in a position to amend Statutory Guidance to Local Authorities prior to the deadline for review of the Statement of Gambling Policy. The Gambling Commission have publicised this position as follows:

'As required by the Gambling Act 2005 each Licensing Authority is required to renew their Statement every 3 years. The renewal date in this current cycle is January 2025. The Commission is advising that you should make plans as to how to conduct this renewal process.

Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.

Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025.

Thereafter we will publish a revised GLA which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.' (Source: Institute of Licensing News 15/04/2024'.

This position was also reinforced during a Gambling Commission training session for Licensing Officers held on 16th April.

- 3.4 Based on the advice given by the Gambling Commission above, Officers propose to undertake a summary review of the Statement of Gambling Policy prior to the 17 July Licensing and Enforcement Committee meeting, with a view to identifying any recommendations for minor amendment to the Policy that are required in order to publish an updated policy by the statutory deadline (31st January 2025). Officers further propose that the Policy is reviewed again at such time as the Guidance to Local Authorities from the Gambling Commission is published.

4 Taxi and Private Hire Licensing

4.1 Applications Received and Licences Issued.

- 4.2 Licensing Officers continue to work effectively by issuing licences upon receipt of fees and all relevant documentation. The latest figures indicate a slight drop in the issue of hackney carriage driver licences, but an increase in the number of licensed hackney carriages. Private hire driver and vehicle numbers remain unchanged from the previous report. A slight increase in the number of private hire operators is recorded.

There are currently 14 outstanding applications in progress for new hackney carriage drivers after a significant increase in new applications since January 2024.

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
May 2024	144	131	51	43	27

- 4.3 Two entries to the National Register of Revocations, Refusals and Suspensions were made in respect of a driver suspension and a refusal to the grant of a private hire driver licence, during the reporting period. It is mandatory for local authorities in England to input details of individuals whose driver licences have been revoked, suspended or refused.

- 4.4 The licensing team records and investigates complaints received by the public and reported by other drivers which is recognised as an effective procedure by the Department of Transport (DfT). One low level complaint was received during this reporting period.
- 4.5 No referrals to the licensing sub-committee for taxi matters occurred during the reporting period.
- 4.6 Officers attended Magistrates Court on 3 April in relation to an appeal lodged against East Devon District Council's decision to suspend a hackney carriage driver licence. The driver withdrew the appeal.

4.7 Proposed Hackney Carriage Fare Review.

A separate report will be submitted to Members.

4.8 Review of Taxi Rank Provision in East Devon.

A separate report will be submitted to Members.

4.10 Meetings between Councillors, Taxi Proprietors and Officers.

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 Association's meetings, the most recent being on 23 April 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.

5 DFT Statutory Standards changes from 1 April 2024

- 5.1 Members agreed to approve the amendments to the Hackney Carriage and Private Hire Policy in July 2023. This was to align the policy with DFT Statutory Standards. From 1 April 2024 the below changes came into effect.

Register of booking and dispatch staff.

Basic DBS Disclosure for booking and dispatch staff.

Additional PH Operator record keeping requirements.

PH Operator policy on employing ex-offenders.

6 General Licensing – Street Trading Consents.

6.1 Applications received, Street Trading Consents Issued.

- 5.2 At the time of writing this report 29 street trading consents are in operation. These include sole traders and traders as part of an event not held under a premises licence.

6 Staffing within the Licensing Team.

- 6.1 The shortfall of licensing officer hours has been addressed with the recent recruitment of an experienced previous licensing officer. The recruitment of a licensing support officer is underway to replace a current post holder, who will be leaving the team in July.

7 Councillor Training and Elections

- 7.1 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.

- 7.2 Further to the Councillor training sessions provided by the Institute of Licensing (IOL), subsequent catch up training for those not able to attend IOL training can be provided. It is to be noted that one Member may require abridged training from the Licensing Team.
- 7.3 The [Licensing Act 2003 Councillor's handbook \(England and Wales\)](#) is also an informative briefing that was updated last year.
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Financial implications:

There are no financial implications.

Legal implications:

There are no legal implications requiring comment.