

Report to: Licensing and Enforcement Committee



Date of Meeting 17 July 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 [Alcohol in licensed pavement areas \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/alcohol-in-licensed-pavement-areas)

[Consultation on the VAT Treatment of Private Hire Vehicles - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/vat-treatment-of-private-hire-vehicles)

[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 The reporting period dates from 8 May 2024 until the date this report was written, 8 July 2024. 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 231 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 12 personal licences were issued in the reporting period.
- 1.5 A total of 12 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 6 March 2024 and at the time of writing this report.
- 1.7 Members were sent notification on 13 June 2024 with information regarding a Home Office Public Consultation in relation to 'Alcohol in licensed pavement areas'. A link to the Home Office consultation can be found at 'Links to background information' at the head of this report. The consultation is due to end on 11 July 2024 and to date, one response was received from a Member of the Licensing & Enforcement Committee in respect of the notification that was sent to Members on 13 June.
- 1.8 The online consultation was completed on 1 July 2024, and the preferred option as set out in the notification to Members was option 1.

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 Devon wide working group has been established from the Devon Licensing Officers Group (DLOG) and work is underway to produce a draft policy to be used by Local Authorities across Devon.

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 [e-bulletin 1 July - Gambling Commission newsletter \(mailchi.mp\)](#)
- 3.2 Members were notified at the previous meeting of the Licensing & Enforcement Committee of the statutory requirement of the Local Authority to renew their Statement of Gambling Policy every 3 years.

'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 have undertaken a summary review of the Statement of Gambling Policy and will be presenting a draft policy to Members in a separate report, with a view to considering 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.
- 3.5 A separate report proposing a summary update to the Statement of Gambling Policy has been circulated to Members.

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, private hire drivers, vehicles, and operators. There has been a slight increase in the number of hackney carriage vehicle licences issued.

There are currently 25 outstanding applications in progress for new hackney carriage and private hire drivers. Applications for new drivers have significantly increased within the last few months.

Year	Taxi Driver Licences	Taxi Vehicle Licences	Private Hire Drivers	Private Hire Vehicles	Private Hire Operators
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
July 2024	143	132	49	40	26

- 4.3 No entries to the National Register of Revocations, Refusals and Suspensions were made 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). Two complaints relating to hackney carriage and private hire drivers were received during this reporting period. The complaints related to cross border working and a complaint from a member of the public regarding a driver.
- 4.5 Four referrals to the licensing sub-committee for taxi matters occurred during the reporting period. Referrals included; the determination of the suitability of a hackney carriage vehicle. Two fit and proper tests for drivers and to determine whether to licence a vehicle as a private hire vehicle which is over 5 years old for initial licensing.
- 4.6 **Hackney Carriage Fare Increase – Update to Members**
A separate report will be submitted to Members.
- 4.7 **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 role of Officers at these meetings is primarily to answer questions from the Trade and to provide updates on any regulatory or policy changes.
- 4.8 **Consultation on the VAT Treatment of Private Hire Vehicles.**
- 4.9 An open consultation is currently underway regarding the potential tax impacts of recent High Court judgements on transport legislation on the private hire sector and its passengers. The open consultation can be viewed at ‘Links to background information’ at the top of this report.
- 4.10 The consultation seeks views on potential government interventions that could help to mitigate any undue adverse effects on the Private Hire sector and its passengers.
- 4.11 The open consultation will close on 8 August 2024.

5 General Licensing – Street Trading Consents.

5.1 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 A new Licensing Support Officer was appointed on 1 July 2024.

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.

7.3 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 financial implications.

Legal implications:

There are no legal implications requiring comment.