

Subject:	Licensing Update	Status:	For Publication
Report to:	Licensing Committee	Date:	13 th November 2018
Report of:	Public Protection Manager	Portfolio Holder:	Operations
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION
1.1	That members note the content of this update report

2. PURPOSE OF REPORT

2.1 To provide Members with an update in relation to various licensing functions.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND AND OPTIONS

5.1 Animal Licensing

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, came into effect on 1st October 2018. The regulations unify and update a number of current licensing Acts namely those applicable to pet shops, animal boarding establishments, riding establishments, dog breeding and performing animals.

A licence is required if anyone:

- sells animals as pets
- provide for, or arrange for the provision of boarding for cats or dogs (including boarding in kennels, catteries, home boarding for dogs and day care for dogs).
- hire out horses whether for riding lessons or not.
- breed 3 or more litters of dogs a year If anyone sells animals as pets they must get a licence each year.
- This includes anyone who sells animals or pets in any type of premises (including a private home). Pet shops that only sell food or animal equipment do not need a licence.

- breed, keep or train animals for exhibition including for performance.

The new licence will be known as an 'Animal Activity Licence' and will include nationally set licence conditions for businesses providing animal related services.

Once an application has been received, the information provided will be examined and then arrangements will be made to visit the premises to carry out an inspection by the Licensing Officers and the Council's veterinary consultant if appropriate.

All businesses engaged in providing animal related services will need to comply with the new licence conditions. The new legislation will also require that an assessment will be undertaken, of any premises providing animal related services for financial gain, before a licence is granted.

Star ratings

Applicants will be given a star rating, ranging from 1 to 5 which will be listed on the licence.

Safeguards will include an appeal procedure and a way to request a re-inspection if applicants are unhappy with their rating, after improvements have been made.

The star rating determines the length of the licence from 1 to 3 years (except keeping/training animals for exhibition which must be granted for 3 years).

More flexibility

- licences can be issued for 1, 2 or 3 years.
- protection is provided for licences in the event of the death of the licence holder.
- licenses can be varied, suspended or revoked.
- there is an appeals process for both changes to the licence and the performance rating.

Fees

Fees need to reflect the activity that takes place in relation to the issue and enforcement of licences and these are currently under review.

5.2 Gambling

The Gambling Act 2005 states that Licensing Authorities must have regard to the licensing objectives as set out in the Act.

The Licensing Objectives are;

Preventing gambling being a source of crime and disorder, being associated with crime and disorder or being used to support crime.

Ensuring gambling is carried out in a fair and open way and,
Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Act 2005 states the Licensing Authority should publish a Statement of Principles which they propose to apply when exercising their functions. This statement must be published every 3 years and refreshed "from time to time".

Rossendale's Statement of Principles must be re-published in January 2019.

A consultation exercise was undertaken between July and October 2018. All responses from

responsible authorities and interested parties are now being reviewed and the final draft Statement will be presented to full council in December 2018.

Only 2 responses were received from responsible authorities (Gambling Commission and Public Health Lancashire), and their comments will be added to the draft document.

5.3 **Licensing Act 2003**

Work continues to ensure that all premises licensed under the Licensing Act are compliant with and upholding the 4 licensing objectives contained within the Act.

We license over 250 premises under the Licensing Act covering the sale of alcohol, late night refreshment and regulated entertainment.

Regular risk based visits to licensed premises are carried out by licensing staff, alongside other colleagues in the Public Protection Unit and over 100 visits have been carried out over the last year to ensure compliance.

We provide licence holders and others employed in the trade, information and advice on how to ensure that they act in a responsible manner, and ensure that their premises do not become a problem.

Licensing hearings have taken place on 4 occasions over the last 18 months where licences have been reviewed or applications or variations received. These resulted in one licence being revoked, 2 with extra conditions placed upon the licence, and 1 application for a personal licence refused due to the applicant's criminal conviction.

Applications received for a variety of activities are processed by staff and dealt with according to the regulations contained within the Act. On occasions this may seem to third parties that the Licensing Authority is not taking into account any objections they may have to an application.

However, the Act is quite clear on what should and should not be considered a valid representation and what factors can be considered.

Licensing officers will continue to act without favour or prejudice in considering such applications, but must remain within the framework of the law when dealing with potentially contentious issues.

5.4 **Taxis and Private Hire**

The demographics of the taxi and private hire industry in Rossendale continues to change rapidly and is approaching the point where the size of the hackney fleet is proportionate to the population of the borough.

The Taxi Licensing Policy is having a marked effect on both the numbers of vehicles and drivers licensed by Rossendale, but more importantly, the quality of both is now higher than it has been previously.

Vehicles are inspected regularly both during their formal tests every 6 months and on an ad hoc basis by licensing officers on the streets.

The reduction in numbers of vehicles working outside Rossendale means that officers now spend far more time in the borough, ensuring those vehicles and drivers who work locally are

subject to regular compliance inspections.

The number of hackney carriages licensed by Rossendale has continued to fall from its peak of 2500 to around 440, and drivers showing similar reductions from approximately 4000 to 1600. This will continue to fall as licences come up for renewal over the next 6 months.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 All Financial implications are noted in the report.

7. MONITORING OFFICER

7.1 All legal matters are covered within the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 All policy implications and consultation carried out are contained within the report.

9. CONCLUSION

9.1 The licensing department is now fully integrated into the Public Protection Unit and daily contact with other officers covering environmental health etc. means that problem premises and businesses can be dealt with in a joined up manner and action taken more quickly and more effectively.

No background papers