**Report of Licensing Manager**

**to**

**Licensing Committee**

**on**

**14th July 2022**

**LICENSING ACTIVITY UPDATE**

1. **SUMMARY**

1.1 This report provides members of the Licensing Committee with an update on key areas of work within the Licensing Team. An update report will be submitted to every Licensing Committee meeting.

1. **RECOMMENDATION(S)**

(i) That the content of the report be noted.

(ii) That Members inform the Licensing Manager of any additional licensing issues that they would like to have included in future update reports.

1. **BACKGROUND INFORMATION**

3.1 The Licensing Team has responsibility for the Licensing Act 2003, Gambling Act 2005, Taxi and Private Hire Vehicles, Scrap Metal, Massage and Special Treatment, Tattooing, Street Collections and House to House and Animal Welfare Act 2018.

3.2 At each Licensing Committee, a report is written to provide an overview of activity and any significant changes in legislation, consultations and fees. Local issues such as feedback from the Taxi Forum will also be reported to the Licensing Committee.

**Licensing Act 2003**

3.3 The Licensing Team have continued to visit premises to ensure compliance. The team have been working with the Police and have taken part in Amberstag the town centre partnership operation also referred to as ‘Days of Action’.

3.4 The Licensing Team have received four applications for a new premise licences; One full variation; and 36 temporary event notices, one Licence surrendered and 14 variations of designated premises supervisors since the last meeting.

3.5 The Licensing Team have investigated eight allegations of breaches of the Licensing Act. Three complaints about premises operating after permitted hours. These are currently being investigated and CCTV has been requested.

One breach of a premise selling alcohol outside permitted days. The Premise licence holder has been interviewed under caution and a warning issued. We have received a variation for the premise licence.

One allegation of underage sales no further action.

Three allegations of breach of conditions advice and follow up visits.

3.6 The licensing team are working with the Police and licensing trade to set up and support a new Pub watch in the for Mansfield Woodhouse and Warsop areas.

3.7 The Licensing Officers continue to visit premises. They visit all premises that have a new Designated Premises Supervisors to offer advice and ensure compliance. All premises within the Mansfield Town centre have been visited in the last year.

3.8 It has been identified that a personal licence holder has been convicted of a relevant offence a licensing officer is currently investigating.

**Taxi and Private Hire**

3.9 A complaint was received that a driver had refused to take an assistance dog. An investigation was carried out by a licencing officer. The driver did refuse to take the dog on the grounds he had allergies. The driver did not have an exemption for allergies. On further investigation the dog was not a registered assistance dog. A driver can refuse to take an animal but must take an assistance dog unless they have an exemption. The driver has received robust advice.

3.10 There has been one new driver since the last meeting.

3.11 There have been four complaints about vehicles that are licensed in other areas parking on the Traffic Regulation Order reserved for Mansfield District Council licensed vehicles. All complaints have been reported to the relevant authority and the appropriate action has been taken by way of warnings, advice and regulatory points.

3.12 A complaint has been received that a driver was taking photos of another driver whilst behind the wheel of his vehicle. A licensing officer has conducted an investigation and no further action has been taken.

3.13 The [Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022](https://www.legislation.gov.uk/ukpga/2022/14/contents/enacted) (the act) received Royal Assent on 31 March 2022. <https://www.legislation.gov.uk/ukpga/2022/14/contents/enacted>.

From 31 May 2022, if any licensing authority in England has information about a taxi or PHV driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver’s licence.

Any licensing authority provided with such information by another authority must consider whether to suspend or revoke the driver’s licence and inform the authority that shared the information of its decision.

The act will require licensing authorities in England to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver’s licence based wholly or in part on information relating to the driver concerning safeguarding or road safety.

Mansfield District Council are using the NR3 data base.

3.14 The government has updated its guidance for local licencing authorities on the Taxi and Private Hire Vehicle (PHV) duties under the Equality Act 2010. This is in preparation for the commencement of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 on 28 June, which will amend the Equality Act 2010.

This guidance is made up of both statutory and non-statutory guidance, providing advice on how to:

* designate vehicles as wheelchair accessible
* communicate new requirements to drivers and operators
* handle exemption applications from drivers
* enforce the requirements

The updated guidance can be found by following this link: [https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Faccess-to-taxis-and-private-hire-vehicles-for-disabled-users&data=05%7C01%7CTaxis%40dft.gov.uk%7C9680a186f62d4aede10308da52bb08db%7C28b782fb41e148eabfc3ad7558ce7136%7C0%7C0%7C637913260494228524%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=XvWAbGoMotrceUaVTlfzFcF3H6vLCJU7Qp3BeIESCLs%3D&reserved=0)

3.15 The management of the database' Clean Air Zones (CAZ) service has been transferred to the DVLA from DEFRA.

The operation of the CAZ Service has successfully transitioned from the Joint Air Quality Unit (JAQU) to the Driver and Vehicle Licensing Agency (DVLA). As part of this transition, DVLA have taken over some responsibilities related to the Taxi and PHV Database. This includes ensuring the database is kept up to date and the management of any Adhoc queries you may have relating to the database. DVLA will contact you if you have failed to upload data for more than 2 weeks. Informed Solutions will continue to assist with technical support including assisting with upload/account issues. Defra will continue to manage data governance and finance.

**Animal Welfare Activities Regulations 2018**

3.16 Under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, local authorities are required to provide certain information annually to the Secretary of State for DEFRA. This includes the number of licences in force for each licensable activity in the local authority and the average level of fees it has charged for licences it has granted or renewed in each reporting period. The annual return has been completed and returned to DEFRA .

3.17 We have received one complaint about welfare issues with one of the licensed dog breeders. The case is currently being investigated.

3.18 **Scrap Metal**

We have received complaints that five sites are operating in the district without a site licence. Licensing is conducting a joint investigation with planning.

**Other Licensing**

3.19 Pavement licensing is to be made permanent under plans announced in the 2022 Queen's speech. The proposed Levelling up and Regeneration Bill "

will provide local leaders with the powers they need to revitalise town centres."

The Government said: "During the pandemic, restaurants, pubs and bars were granted temporary powers to serve guests on pavements, helping to mitigate lost floor space for tables due to social distancing requirements.

"Through new legislation, these powers will be made permanent to expand capacity for businesses to boost local economies and inject life into local communities."

Clause 184 of the Bill introduce provisions for making pavement licensing permanent. Schedule 17 amends the Business and Planning Act 2020 including introducing a "relevant amount" of £350 for existing consents and £500 for new applications.

3.20 There is guidance that sets out a National Combating Drugs Outcomes Framework, which will provide a single mechanism for monitoring progress across central government and in local areas towards delivery of the commitments and ambitions of the 10-year drugs strategy to level up the country.

The outcomes and metrics included in the framework aim to provide a link between action and the impact experienced by individuals, families and neighbourhoods across the country.

Working in partnership is essential to deliver the 3 strategic priorities set out in the 10-year drugs strategy:

* breaking drug supply chains
* delivering a world-class treatment and recovery system
* achieving a shift in the demand for drugs

The guidance identifies key principles and structures to support the formation of effective partnerships and asks local areas to:

* form a clearly defined partnership structure based on a geographical extent that is logical to local residents and consistent with existing relevant arrangements
* select a senior responsible owner (SRO) who can represent the partnership nationally, reporting to central government for its performance, and who can offer challenge and support to local partners to drive improvement and unblock issues when necessary
* involve all those people and organisations affected by drugs in developing joint solutions to these issues

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1083170/Guidance_for_local_delivery_partners_FINAL.pdf>

3.21 Public Health Scotland (PHS) today published the final report from a study which evaluated the impact of Minimum Unit Pricing (MUP) on people who drink alcohol at harmful levels, including those dependent on alcohol and those accessing treatment services.

The University of Sheffield, the University of Newcastle (Australia) and Figure 8 Consultancy Services carried out the wide-ranging study to understand how this important, yet hard-to-reach population responded to MUP. A large programme of mixed-methods research was used to examine impacts on alcohol purchasing and consumption, other positive and negative effects of the policy, and the impact on key groups, such as family members or those living in remote or rural areas.  
  
Among those drinking at harmful levels or people with alcohol dependence, the study found no clear evidence of a change in consumption or severity of dependence. Findings also showed that some economically vulnerable groups experienced increased financial strain as the price rises meant they were spending more on alcohol. This led some people who were dependent on alcohol to reduce other expenditure, such as that on food and utilities.  
  
There was little evidence found of other negative consequences in this population following the introduction of MUP, such as increased crime, a shift to the use of illicit substances or acute withdrawal. People with alcohol dependence were also found to have a limited awareness and understanding of MUP and reported receiving little information or support before its introduction.

3.21 The House of Commons Committee report on spiking has been reported with recommendations to government. Amongst other things, the report found that:

"licensing authorities, councils play an important role in regulating the night-time economy. Licensing authorities have a range of powers to tackle premises causing

problems under the Anti-social Behaviour, Crime and Policing Act 2014:

Conditions: As well as mandatory conditions set out in the Licensing Act, authorities can add ‘voluntary’ conditions to a licence, such as installation of CCTV or imposition of noise limits.

Licence reviews: Where there is a failure to respond to warnings or where concerns are particularly serious, licensing authorities can modify or add conditions, remove the Designated Premises Supervisor, suspend all or any of the licensable activities for up to three months, or revoke the licence.

Closure powers: These may be sought where necessary to prevent disorder."

"There is limited data on the extent to which licensing authorities use these options. The Home Office collect statistics on reviews and revocations, but not on use of conditions, and the data are out of date as they have been paused during the Covid pandemic.

"Available statistics show that reviews are rare. In the year to 31 March 2018 (the latest for which statistics are available), there were 212,800 premises licences in England and Wales and 600 licensing reviews were carried out. Where action was taken following a completed review, 212 licenses were revoked, or a club premises certificate withdrawn. In specific relation to spiking, in November 2021, Tunbridge Wells Borough Council suspended the licence of one local premises after the police shared evidence of multiple drink spiking reports at the venue."

The Select Committee also said:

"We are concerned that the Government is not doing enough to monitor licensing authorities’ use of powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. Within three months the Government should:

(i) collect data on local licensing authorities’ use of their powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;

(ii) work with local authorities to develop an anti-spiking strategy which encourages local licensing authorities to make better use of these powers; and

(iii) as part of this, review guidance issued under section 182 of the Licensing Act 2003 with a view to requiring licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy."

Other recommendation include:

all staff working at music festivals, including vendors, be given compulsory safeguarding training, and this be a requirement that licensing authorities consider when approving events. This might be done along lines similar to training provided in voluntary schemes in other licensed premises, such as Ask Angela or the licensing security and vulnerability initiative (Licensing SAVI).

The Home Office should give the Committee a written update six months from the date of publication of this Report on progress towards creating a separate criminal offence of spiking.

As part of its national communications campaign to say “Enough” to violence against women and girls, the Government should engage with the night-time industry, the education sector, and the health sector to produce a national anti-spiking communications campaign.

As part of its wider VAWG strategy, the Government should consider a support package for night-time industries to boost security measures including the recruitment and training of additional door security staff, particularly female staff.

A letter has been to all licensing authorities annex 1.

**4. OPTIONS AVAILABLE**

4.1 This report is for noting only with Members having the option of informing the Licensing Manager of any additional licensing issues that they would like to have included in future update reports.

**5. RISK ASSESSMENT OF OPTIONS**

5.1 There are no specific risks associated with noting the report, however by keeping Members and the public informed of licensing activity this reduces any potential negative reputational risks.

5.2 The presentation of this report fulfils the Committee Policy Objective relative to the enforcement of licensing activities, premises and persons in the District in accordance with current legislative controls and demonstrates that conditions and restrictions are attached to Licences to meet the intentions of the legislation.

**6. ALIGNMENT TO COUNCIL PRIORITIES**

6.1 This reports supports the council achieving the following priorities:

* Improve the town centre experience for residents, visitors and businesses
* Create an infrastructure that supports and enhances the quality of life for residents.
* Develop and sustain local businesses and encourage national and regional businesses to invest in the area.
* Support a good quality of life for those who live and work here

**7. IMPLICATIONS RELATING TO RELEVANT LEGISLATION**

(A) Relevant legislation – None

(B) Human Rights – No implications

(C) Equality and Diversity – No implications

(D) Climate Change and Environmental sustainability – No implications.

(E) Crime and Disorder – No implications.

(F) Budget/Resource – No Implications.

**8. COMMENTS OF STATUTORY OFFICERS**

Head of Paid Services – N/A

Monitoring Officer – No specific comments

Section 151 Officer – No Specific comments

**9. CONSULTATION**

9.1 The following services and officers have been consulted in the development of this report:

* + Legal Services
  + Financial Services
  + Head of Health and Communities

**10. BACKGROUND PAPERS**

None.

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