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| Licensing Committee | 11 th March 2014 | Unclassified | LC 10/134 | |

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| Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: John McCrohan – Trading Standards and Licensing Manager | Title Licensing Team – Review of Activity 2013/14 Ward affected All |
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1.0 SUMMARY

This is an information item briefing the committee about the Licensing Team's enforcement and administration work this financial year.

2.0 RECOMMENDATIONS

That the Licensing Committee note and comment on the report.

3.0 BACKGROUND

- 3.1 The licensing team deals with the administration principally of the Licensing regimes under the Licensing Act 2003 and Gambling Act 2005, although it does cover scrap metal dealers and explosives (fireworks) registration.
- 3.2 The Scrap Metal Dealers Act 2013 has set up a new more rigorous regime for the licensing of scrap metal dealers and motor salvage businesses, which the Licensing Team has had to administer.
- 3.3 The team carries out enforcement, but is supported in this by other enforcement staff, principally Trading Standards and Environmental Health Officers from Consumer and Business Regulation.

4. REPORT

4.1 The vast majority of its work relates to the Licensing Act 2003 and this financial year the Licensing Team:–

- Issued 84 new Premises Licence;
- Issued 269 New personal licences;
- Dealt with 248 Variation of Premises Licence and Designated Premises Supervisors;
- Issued 954 Temporary Events Notices (TENS);
- Issued 11 Time Limited Premises Licence;
- Administered 17 Reviews of Premises licence;
- Administered 77 Transfers of licence;
- Administered 8 Provisional statements

In addition the team:-

- issued 15 Explosives registrations;
- administered 11 scrap metal site licence applications;
- administered 7 scrap metal mobile collector applications
- Classified 5 Films;

4.2 Also this financial year 647 visits were undertaken by Licensing and Trading Standards Staff to Licensed premises.

4.3 The Provisional Statements applications relate to 8 premises that are under construction at the Canary Wharf Cross Rail site. Sections 29 to 32 of the Licensing Act 2003 sets out the provisional statement procedure. Even where a provisional statement is granted, there is no certainty a Premises Licence will be granted in the future.

4.4 Two under-age test purchase operations have been undertaken with Police support at Betting Shops and Adult Gaming Centres.

4.5 There are programmed visits by Trading Standards, Police Licensing and HMRC officers to off licence premises, inspecting for illicit alcohol.

4.6 Licensing Staff conduct regular night time visits with Police Licensing Officers.

4.7 Operation Creek, continues targeting the problematic touting by the restaurants in Brick Lane.

4.8 Operation Dymock has been running since March 2013 and which involves weekend late night visits to monitor the terminal hours for late night refreshment and off-sales of alcohol.

4.9 Each fortnight, there is a Licensing Enforcement forum where the Police Licensing, London Fire Brigade, Licensing Officers and Environmental Health Environmental Protection meet to discuss Licensing matters, including possible problem premises.

4.10 *Key Strategic issues and impacts on 2013 /14 operations*

4.10.1 **The Scrap Metal Dealers Act 2013**

The Scrap Metal Dealers Act 2013 came into force on 1st December 2013, with transitional arrangements commencing from 1st October. The Act introduced a fully-fledged, industry-funded licensing regime for scrap metal dealers, including new regulatory offences and enforcement tools for police and local authorities.

The new Act is considerably more ambitious than the Scrap Metal Dealers Act 1964, which is repealed. The new Act brought in specific powers to enforce the cashless model for dealing in scrap metal and the introduction of closure orders. The Act is a response to problem of metal theft plaguing the country.

The licensing regime will require Site Licences as well as mobile traders to be licensed.

The main provisions of the 2013 Act are:

- a) An extended regime to include a wide range of businesses.
- b) Amend the definition of scrap metal.
- c) The introduction of a national register of licenses to be held by the Environment Agency.
- d) The introduction of two different types of licences, Site and Collector
- e) The introduction of a suitability test for applications and licensees
- f) The introduction of a licence fee to be determined by the Council
- g) The introduction of the power to revoke a licence.
- h) The introduction of entry and inspection powers
- i) The power to obtain closure notices for unlicensed traders
- j) The introduction of increased record keeping requirements
- k) The introduction of a requirement to display licenses.
- l) The continuation of the offence of buying scrap metal for cash and additional offences relating to each of the powers and duties contained in the 2013 Act.
- m) There is no public consultation with this Licensing Scheme

4.10.2 **Sexual Entertainment Venues**

In 2009 the Government brought In legislation allowing Local Authorities the discretion to adopt provisions to regulate sexual entertainment venues., such as lap dancing clubs.

The Council is in the process of deciding whether to adopt the legislation. It will allow the Council through licencing processes to:

- (a) Control the number of premises
- (b) Control the location of premises
- (c) Give local people a greater say over sexual entertainment venues in their area.

4.10.3 Night Time Economy

There is a vibrant night time economy in the Brick Lane area, which can be viewed as a continuation of neighbouring Hackney's Shoreditch and Hoxton where there is also adense and growing concentration of pubs, late-night clubs, bars, off-licences, late night food outlets and restaurants.

The Council has introduced a cumulative impact policy in the Brick Lane area in an effort to limit the growth of the Licensed premises in the vicinity of Brick Lane.

Hackney Council had introduced a similar policy in the Shoreditch area.

4.10.4 Trends in Licensing volumes and complexity

The Fish Island area close to the Olympic Park is showing signs of developing elements of a night time economy.

There is both a deregulatory drive and a policy of tightening the Licensing regime. For example restrictions have been loosened about playing music. The Government are proposing the abolition the personal licence regime.

In the opposite vein, a mandatory condition is to be introduced in April that will set a minimum price for a unit of alcohol.

The Home Office are set to revisit introducing locally set fees, which will mean that the Licensing Team must maintain detailed records to account for the fees charged. The fees regime can only be costs recovery and cannot operate at a profit.

Since 2012, the Licensing Team can suspend a premises licence where the annual fee is owed. There has been a remarkable improvement in payment. Previously, non-payment was a civil debt and a number of businesses had failed to pay regularly.

5 COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 5.1 No specific financial implications emanate from this report which provides a review of the Council's Licensing Team's enforcement and administration activities during 2013/14.

6 LEGAL COMMENTS

- 6.1. The Licensing Team exercises the Council's regulatory functions under the Licensing Act 2003 and the Scrap Metal Dealers Act 2013. This report reviews the work over the last financial year and provides information upon the various activities undertaken in fulfilment of the Council's obligations. Additional duties will fall on this team if the Council adopts the statutory licensing regime for sexual entertainment venues.
- 6.2 There are no immediate legal implications arising from this report.

7 ONETOWERHAMLETSCONSIDERATIONS

- 7.1 No adverse impacts have been identified

8 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no adverse impacts identified.

9 RISKMANAGEMENT IMPLICATIONS

- 9.1 The Council will be at risk of legal challenge if its decision making process on determining applications is not transparent and evidentially based.
- 9.2 Also the Council will be at risk where a decision to take, or not to take, enforcement action does not follow the Authority's published enforcement policy.

10 CRIME AND DISORDER REDUCTIONIMPLICATIONS

- 10.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The Licensing team inspects licensed premises and takes formal enforcement action in accordance with the Council's enforcement policy. Thus the Licensing team plays its part in helping to drive

down crime and which in turn will reduce fear of crime and ASB levels helping to promote a healthier, happier and more cohesive community. This will have efficiency benefits for adult social care and public health costs by keeping people healthier and more active for longer.

11 EFFICIENCY STATEMENT

11.1 None

12 APPENDICES

12.1 None

**Local Government Act, 1972 Section 100D (As amended)
List of "Background Papers" used in the preparation of this report**

| Brief description of "background papers" | Name and telephone number of holder and address where background papers are open to inspection |
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| NONE | N/A |