



INFORMATION DIGEST DOCUMENT PACK

Date: **Wednesday, 22 December 2021**

PART 1

1. Enforcement update, forthcoming changes in legislation and consultation proposals
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MARK TRILLO
EXECUTIVE DIRECTOR AND MONITORING OFFICER

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Information Digest



To: Licensing & Regulatory Committee
Date: 22 December 2021

***Enforcement update, forthcoming changes in
legislation and consultation proposals***

Councillor Mike Bowen
Portfolio Holder for Communities

Alicia E Patterson
Head of Environmental Health

1. Reason for the Report

- 1.1 To update members on the Licensing Enforcement Activity and changes in legislation, proposed consultations and policy updates.

2. Recommendation

- 2.1 That the committee notes the contents of the report.

3. Executive Summary

- 3.1 In the period July 2021 to November 2021 the Licensing service has remained operational throughout the Covid-19 Pandemic and engaged in a number of enforcement actions. These activities have involved reactive responses to complaints and intelligence received from the public and partner agencies as well as proactive compliance checks. We are pleased to report that the Licensing Section has noted a good level of compliance overall within the last six months.

- 3.2 Additional updates are also detailed below in relation to upcoming consultations, policies and any changes in legislation.

4. How this report links to Corporate Priorities

- 4.1 The appropriate enforcement of licensing Legislation in partnership with relevant agencies is a key tool in assuring the maintenance of community safety

Mark Trillo
Executive Director (Governance & Commissioning)

Web Links and Background Papers

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5. Detail

5.1 Licensing Enforcement Update:

Area	Applications Received / letters sent out	Issued	Rejected
Charity Collections House to House	3	3 Permits issued	0 Rejected
Charity Collections Street Collections	2	2 Permits issued	0 Rejected
Pavement Licenses	11	Renewal letters sent out / Licenses issued	
Personal Alcohol Licenses	29	29 of which 22 were new applications and 7 were changes to Holders details	
Road Closure Orders	15	15 RCO issued	0 Rejected
Small Society Lottery Chase up letters	0		
Small Society Lottery Renewal Letters	21		
Taxi Drivers	16		
Taxi Hackney Vehicles	21		
Taxi Operators	1		
Taxi Private Hire Vehicles	5		
TENS with Alcohol	55		
TENS LATE with Alcohol	21		
TENS without Alcohol	2		
TENS LATE without Alcohol	2		

Please note that all correspondence detailed above with the Taxi Drivers and Operators was in relation to the renewal process.

In addition to the above enforcement, the Authority has hosted several Safety Advisory Group meetings to discuss upcoming events in Leek and Cheadle, these have been very well received.

5.2 Updated Gambling Policy (Statement of Principles 2019-2022)

Licensing Authorities are required by the Gambling Act 2005 to publish a statement of principles, which they propose to apply when exercising their functions. This statement must be published at least every 3 years. The statement must also be reviewed from time to time and any amended parts to re-consulted upon. The statement must be then re-published. The previous statement was published in 2019.

The authority carried out a consultation between 5th October 2021 and 4th November 2021 on its proposed Statement.

The only comments received are detailed below:

- Many thanks for including the National Association of Bookmakers Ltd (NAB) on your circulation of your proposed Draft Statement of Principles. The NAB do not have any suggested amendments

A Committee meeting will be held to discuss this matter in January with a recommendation to adopt the policy at Full Council.

5.3 **The Alcohol Licensing (Coronavirus) Regulatory Easements (Amendments) Regulations 2021 (The Regulations)**

The above regulations have extended the provisions in the business and Planning Act 2020 to allow sales of alcohol for consumption off the premises to licensed premises that did not have that permission for a further year until 30th September 2022. If the premises have previously benefited from this relaxation over the pandemic, this will continue, however premises must ensure that the correct notice is still displayed in a prominent position outlining their reliance on this relaxation.

In addition to the above, the Regulations have amended the limits prescribed by the Licensing Act to increase the allowance for temporary event notices from 15 to 20 and increase the maximum number of days on which temporary events may be held from 21 to 26, this increase only applies in the years 2022 and 2023.

5.4 **Tax Checks for Taxi Drivers, Operators and Scrap Metal Dealers**

Under the framework of the Finance Act 2021, HMRC are introducing a requirement for licensing authorities to carry out a tax check on licensed taxi drivers, operators and scrap metal dealers as part of their renewal application.

This change will apply to all renewals on or after 4th April 2022.

Licensing authorities are required to obtain a check code from all renewal applicants that can be inputted into a HMRC web portal, which proves that the applicant is properly registered for tax.

The licensing authority will not be required to check the applicant's tax records and will not have access to any information relating to the applicant's tax history – it's simply a confirmation that the applicant is registered for tax purposes.

Crucially, failure of the applicant to provide a code will result in their renewal application being invalid and their licence cannot be renewed.

The Licensing Team are currently preparing advance information to all drivers, operators and dealers advising them of how to ensure that they are properly registered for tax by the due date of April 2022.

5.5 **Hackney Carriage and Private Hire Policy 2016 – Update required and Consultation**

The Hackney carriage and private hire policy was formally adopted by the Council in November 2016, and the Council is required to review the policy

every 5 years. When the policy was introduced in December 2016 it was robust in its nature and adopted many recommendations which have since become mandatory or best practice. A general review and consultation is scheduled for early 2022 with particular focus on the following areas.

- CCTV within the vehicles.
- Climate Change – Greener Vehicles.
- Legislation updates and mandatory conditions.

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