

Agenda item 9

Licensing and Safety Committee 5 June 2024

Licensing matters – Update from Team Leader, Licensing.

Pavement café Licences – Tables and Chairs on Highway

One of the ways that businesses can increase their outdoor seating capacity and attract more customers is by applying for a pavement café licence, which allows them to place tables and chairs on the public highway adjacent to their premises. This can benefit both the businesses and the local community by creating a vibrant and diverse street scene.

However, there are also some considerations and regulations that need to be followed to ensure the safety and accessibility of the highway users and the quality of the environment.

Changes introduced by the Levelling Up & Regeneration Act 2023

The Act establishes a new UK Shared Prosperity Fund (UKSPF) that replaces the EU structural funds and provides financial support for local projects that enhance productivity, skills, innovation and community cohesion. The UKSPF will be distributed through regional and local partnerships that involve public, private and voluntary sectors. Licensing authorities can apply for funding from the UKSPF to improve their licensing services and facilities, such as online platforms, training, enforcement and consultation.

The Act extends the scope and duration of the pavement café licences that were introduced under the Business and Planning Act 2020 to help businesses recover from the impact of the Covid-19 pandemic. The Act allows businesses to place tables and chairs on the public highway adjacent to their premises for the purpose of selling or consuming food or drink, without the need for planning permission. The Act also sets a maximum limit of two years for the validity of these licences, and requires licensing authorities to consult with the relevant stakeholders and consider the impact on the safety and accessibility of the highway users and the quality of the environment before granting or renewing these licences.

The Act updates the Section 182 Guidance for Local Authorities in relation to the Licensing Act 2003 to reflect the changes brought by the UK's exit from the European Union. The Act specifies that EEA passports or national identity cards are no longer acceptable as a form of ID for personal licence applications, and that applicants will need to provide a check code for licensing authorities to verify their immigration status online. The Act also clarifies the list of documents that are acceptable for the ID and criminal record checks, and the criteria and process for granting or refusing personal licences.

The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in the Business and Planning Act (BPA) 2020 that streamlined the process to allow businesses to secure these licences quickly. Licences that are deemed to have been granted, should remain in place for such period as the local authority may specify in the licence, with a maximum limit of two years. Existing licences with no end date are extended to 2 years from the commencement date. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

Gambling Policy

Gambling Policy was presented at the Licensing & Safety committee in October 2022. The policy was adopted following consultation in April 2023. There has not been a lot of changes, majority of the changes are from the government guidance and from updates made to the legislation. Following recent meetings with the Gambling Commission, we have been informed that the Gambling act 2005 will be amended later this year and all local authorities would have to amend their Statement of principles by January 2025. Licensing Authorities have been advised that if the changes in the policy are to do with the current changes on the legislation, then a full consultation is not required other than the Council amending the date on the existing policy and making the new version available to everyone.

Taxi Licensing

The new Best Practice Guidance amended November 2023 is a comprehensive document that provides updated and consistent standards for taxi and private hire licensing across England. The guidance covers the following main areas:

Driver licensing: The guidance sets out the minimum requirements for driver suitability, competence, training and conduct. It also recommends enhanced checks for criminal records, medical fitness and safeguarding. The guidance encourages local authorities to adopt a national database of taxi and private hire drivers to prevent those who have been refused or revoked from working elsewhere.

Vehicle licensing: The guidance specifies the minimum standards for vehicle safety, accessibility, emissions and appearance. It also proposes a national inspection regime and a common set of vehicle conditions. The guidance supports the transition to zero emission vehicles and suggests incentives and support for drivers and operators to adopt them.

Operator licensing: The guidance defines the roles and responsibilities of operators, including app-based platforms, and outlines the criteria for operator suitability, governance and compliance. It also advises on the use of data sharing agreements and the protection of personal data and privacy. The guidance promotes fair and transparent pricing and customer service practices, and encourages operators to collaborate with local authorities on social and environmental issues.

Enforcement and compliance: The guidance provides guidance on the powers and duties of local authorities to enforce the licensing regime and to deal with complaints and appeals. It also recommends a risk-based approach to enforcement and a proportionate and consistent application of sanctions. The guidance advocates for cross-border cooperation and information sharing between local authorities and other agencies, such as the police and the DVLA.

The Licensing Authority will need to revise the Taxi Licensing Policy to align with the new guidance and to ensure that it reflects the local needs and circumstances. The Licensing Authority will consult with the taxi and private hire trade, passengers and the public on the proposed changes and will seek to balance the interests of all stakeholders.

The Licensing Authority will need to allocate sufficient resources and staff to implement the new guidance and to monitor its impact on the sector. The Licensing Authority will also need to invest in new technology and systems to facilitate data sharing and communication with other local authorities and agencies.

The Licensing Authority will report on the progress and outcomes of the new guidance on a regular basis and will review and amend the Taxi Licensing Policy as needed. The Licensing Authority will also liaise with the Department for Transport and other relevant bodies to provide feedback and suggestions on the new guidance and to identify any challenges or gaps. The Licensing Authority is committed to ensuring that the taxi and private hire sector in the area is safe, accessible, sustainable and competitive.

Below is a table showing the number and types of application that went to Licensing Sub-committee between 2023 – 2024 financial year:

Type of Licence	Applications received 2023 - 2024	Referred to committee	Granted	Refused	Appealed
New Drivers	193	22	17	5	0
Driver Renewals	432	2	2		0
PHV New	213	10	9	1	0
PHV Renewal	819	0	0	0	0
Hackney carriage Vehicle Renewal	67	0	0	0	0

Licensing Act 2003

The Section 182 Guidance update for Euro 2024 is a document that provides guidance and best practices for local authorities and partner agencies in England and Wales on how to plan and manage the security and safety of the upcoming European Football Championship. The update covers topics such as risk assessment, crowd management, counter-terrorism, public health, emergency preparedness, and communication strategies. The update also includes specific advice on how to deal with the challenges posed by the COVID-19 pandemic and its impact on the event.

The government has extended a temporary measure that allows licensed premises to sell alcohol for consumption off the premises until 2025. This is intended to help the hospitality sector recover from the effects of the COVID-19 pandemic, which affected businesses such as pubs, bars and restaurants. The measure also temporarily overrides any existing licence conditions that would prevent off-sales.

The provisions in the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. This makes it easier for licensed premises to sell alcohol to customers for consumption off the premises in England and Wales. Most do, but some are excluded. The permission is only given to businesses with premises licences, so those organisations with club premises certificates are not covered by the provisions in the Act. Organisations with club premises

certificates that do not permit off-sales need to seek permission to do so from the licensing authority.

Below is a quick table on the number and types of applications we have had between 2023 – 2024 financial year.

Application Type	Total
New Premises Licence	35
Variation	12
Minor Variation	14
Transfer	40
Vary DPS	114
Review	1
Premises Licence Change of name	3
Premises Licence Change of address	12
Premises Licence Holder Change of name	0
Notice of interest	1
Premises Licence Replacement	5
Premises Licence Surrender	13
Premises Licence Interim Authority Notice	0
DPS Removal	4
Personal Licence - New	112
Personal Licence - Change of Name	3
Personal Licence - Change of Address	40
Personal Licence - Replacement	2
Personal Licence - Renewal	0
Personal Licence - Surrender	0
Temporary Event Notice	227
Interim Authority Notice	0
New Club Premises Certificate	0
Club Premises Certificate Variation	0
Club Premises Certificate - Replacement	0
Change of Club Rules	0
Club Premises Certificate - Surrender	0
New Premises Licence - Casinos	0
New Premises Licence - Bingo	0
New Premises Licence - Betting	0
Betting Licence Replacement	0
New Premises Licence - Adult Gaming Centre	0
New Premises Licence - Family Ent Centre	0
Variation	0
Transfer	0
Premises Licence - Surrender	0

New Provisional Statement	0
Provisional Statement - Variation	0
Provisional Statement - Transfer	0
Society Lottery - New Application	3
Society Lottery - Renewals	30
Gaming Permit	3
Gaming Permit Transfer	1
Gaming Permit Variation	0
Gaming Permit Replacement/copy	0
Gaming Notification	8
Club Gaming Machine Permit - Renewal	0
Club Gaming Machine Permit	1
Gaming Permit Surrender	2
Notification of Change	0
Change of Name	0
Change of address	0
Street collection	12
House to House	15
Street Trading	24
Scrap Metal Dealers Licence - New application	4
Scrap Metal Dealers Licence - Renewal	7
Scrap Metal Dealers - Collector to Site	0
Scrap Metal Dealers - Change of Site Manager	1
Motor Salvage Operators	0
Sex Establishment Licences	1
Promotional Site	19
Pavement Licence	5
Hypnotism	0
Surrender - Other	2
Miscellaneous	40
Marriage & Civil Partnership Venues	2

Below table shows the number of applications for new premises licence applications that have been received for the borough, the number of applications for the Town Centre including the number of applications that received representations and were put before committee for a decision over the last 5 years.

Year	No of LA03 applications Borough	No of LA03 applications Town Centre NTE	No of cases where representations received	No of cases where Cttee held	Decision	No of reviews called
2023/24	35	5	3	2	1 refused 1 granted	1
2022/23	25	3	4	3	2 refused 1 granted	3
2021/22	24	8	8	3	2 refused 1 granted	2
2020/21	23	4	1	1	1 granted	4
2019/20	20	0	5	5	5 Granted	0