

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

19 MARCH 2012

Report of the Chief Solicitor

Part 1- Public

Information

1 REVIEW OF LICENSING SERVICES

Summary

This report updates Members on the progress of the service review being undertaken by the new Licensing Services Manager. This is “work in progress” and a full report on the findings of the review will be submitted to Members in due course.

1.1 Introduction

1.1.1 The Licensing Service is part of Legal Services and is responsible for the processing and grant of licences / authorisations under the Licensing Act 2003, the Gambling Act 2005 (including Small Society Registrations), Taxis/ Private Hire vehicles, charitable collections and sex establishments.

1.1.2 At the time of preparing this report, Licensing Services have administered some 2,501 licences during the 2011 – 2012 financial year.

1.1.3 The team is made up of a Licensing Manager, one full time equivalent Licensing Officer (made up of two Licensing Officers shared with Gravesham Borough council) and one part time administration assistant.

1.2 Service Aims

1.2.1 The Licensing Services aims are to:

- To meet statutory responsibilities in a cost effective and responsible manner
- To provide a first class customer service
- To support a strong night-time economy whilst ensuring residents have a good night sleep.

1.3 Licences

- 1.3.1 The Borough Council is a Licensing Authority under the Licensing Act 2003 and is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices (TENs) and Personal Licences in the Borough with respect to the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.3.2 Under the Gambling Act 2005 the licensing team issues Premises Licences; Gaming Machine Permits; Temporary Usage Notices (TUNs) and Occasional Usage Notices (OUNs), as well as administering Small Society Lottery Registrations.
- 1.3.3 The team also process applications for Taxi licences, including Hackney Vehicle Licences; Private Hire Vehicle Licences; Hackney Vehicle Driver Licences; Private Hire Driver Licences and Private Hire Operators licences.
- 1.3.4 Other licensing activities include Street Collections and House-to-House Collections.

1.4 Licensing Policies

- 1.4.1 The following policies are currently in force -
- 1.4.2 **Statement of Licensing Policy** (Licensing Act 2003) - The current policy runs from January 2011 until January 2014.
- 1.4.3 **Gambling Policy Statement** - The current policy runs from January 2010 until January 2013. The policy will be reviewed during 2012, with a revised policy being brought back to this Committee for consideration.
- 1.4.4 **Taxi policy** – The current policy runs from 2010 until January 2013. As with the Gambling Policy, this will be reviewed during 2012, with the revised policy being brought back to Members for consideration.

1.5 Breakdown of premises licences –

Ward	Club premises certificate	Premises licence	Total
Aylesford	1	14	15
Blue Bell Hill and Walderslade	3	5	8
Borough Green and Long Mill	1	23	24
Burham Wouldham and Eccles	0	13	13
Cage Green	0	2	2
Castle	2	30	32
Ditton	2	9	11
Downs	4	20	24
East Malling	0	7	7
East Peckham and Golden Green	1	16	17
Hadlow, Mereworth and West Peckham	2	19	21
Higham	0	4	4
Hildenborough	2	14	16
Ightham	1	7	8
Judd	0	9	9
Kings Hill	1	11	12
Larkfield North	0	6	6
Larkfield South	0	8	8
Medway	0	26	28
Snodland East	2	7	9
Snodland West	1	8	9
Trench	0	4	4
Vauxhall	1	13	14
Wateringbury	1	5	6
West Malling and Leybourne	4	25	29
Wrotham	1	7	8
Total	32	312	344

1.5.1 Presently, there are 32 Club Premises Certificates and 312 premises licences.









1.6 Breakdown of premises licences – sales of alcohol

Ward	Off sales	On sales	Off & On	None
Aylesford	5	0	10	0
Blue Bell Hill and Walderslade	0	1	5	2
Borough Green and Long Mill	6	6	10	2
Burham Wouldham and Eccles	4	0	8	1
Cage Green	1	0	0	1
Castle	5	12	12	3
Ditton	3	3	5	0
Downs	0	5	14	5
East Malling	1	3	2	1
East Peckham and Golden Green	4	1	11	1
Hadlow, Mereworth and West Peckham	2	4	12	3
Higham	3	0	1	0
Hildenborough	3	3	8	2
Ightham	0	1	6	1
Judd	3	1	3	2
Kings Hill	2	3	7	0
Larkfield North	2	2	2	0
Larkfield South	3	1	3	1
Medway	8	7	9	4
Snodland East	3	3	3	0
Snodland West	3	0	6	0
Trench	2	0	1	0
Vauxhall	5	2	5	2
Wateringbury	2	1	3	0
West Malling and Leybourne	4	8	16	1
Wrotham	1	1	4	2
Total	75	68	166	34


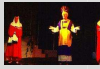







1.6.1 With respect to sales of alcohol, there are currently:

- 75 premises that can sell alcohol for consumption off the premises
- 68 premises that can sell alcohol for consumption within the premises
- 166 premises that can sell alcohol for consumption off and within the premises
- 34 premises where a premises licence is in place detailing licensable activities but no authorised sale of alcohol

1.7 Breakdown of premises licences – activity




Ward	plays	films	indoor sport	boxing wrest	live music	record music	dance	Late refresh
								
Aylesford	2	4	5	0	7	7	6	6
Blue Bell Hill and	1	1	1	0	2	3	2	2
Borough Green and Long Mill	3	3	4	1	9	11	9	8
Burham Wouldham and	2	5	5	0	8	9	7	6
Cage Green	1	0	1	0	1	1		0
Castle	6	11	13	0	15	18	14	15
Ditton	2	4	7	1	7	7	5	5
Downs	5	8	7	0	18	17	12	7
East Malling	2	0	0	0	4	4	4	3
East Peckham and Golden	3	5	6	1	8	8	8	6
Hadlow, Mereworth and West	3	5	10	1	16	14	12	10
Higham	2	3	2	2	3	3	3	4
Hildenborough	6	8	7	1	11	12	10	8
Ightham	2	1	3	0	4	5	3	3
Judd	3	4	4	1	4	5	4	6
Kings Hill	3	6	4	1	8	9	7	7
Larkfield North	2	1	1	0	3	3	3	1
Larkfield South	2	1	0	0	3	3	2	3
Medway	4	6	9	0	12	14	6	13
Snodland East	2	2	3	0	5	7	3	6
Snodland West	2	2	4	0	5	7	3	6
Trench	1	2	2	0	2	2	1	2
Vauxhall	1	3	4	0	5	7	3	6
Wateringbury	2	3	3	1	4	4	3	3
West Malling and Leybourne	3	6	8	1	11	14	8	11
Wrotham	3	4	2	0	6	7	6	4
Total	68	98	115	12	179	198	144	142

1.8 Breakdown of premises licences – activity by time

time	alcohol	plays	films	indoor sport	boxing wrest	live music	record music	dance	Late refresh
									
23:00	109	9	10	14	2	27	22	21	0
23:30	7	8	5	7	0	16	11	8	3
00:00	82	25	45	48	18	75	72	57	28
00:30	17	0	10	15	0	8	14	10	16
01:00	48	4	10	12	1	24	31	19	33
01:30	5	0	1	3	0	1	10	3	7
02:00	21	6	9	8	3	14	19	11	24
02:30	0	1	2	2	0	0	2	1	2
03:00	1	0	1	1	0	1	1	1	5
03:30	0	0	0	0	0	0	0	0	0
04:00	1	0	0	0	0	1	1	1	1

1.8.1 This table details the high number of premises that are authorised for licensable activities between 23.00 and the early hours of a Saturday morning. This also highlights the importance of late night enforcement to ensure compliance with issued licences.

1.9 Breakdown of premises licences – activity by percentage

	 alcohol		 Live music		 Recorded music	
time	Num of premises	% of premises	Num of premises	% of premises	Num of premises	% of premises
23:00	109	31.69%	27	7.85%	22	6.40%
23:30	7	2.03%	16	4.65%	11	3.20%
00:00	82	23.84%	75	21.80%	72	20.93%
00:30	17	4.98%	8	2.33%	14	4.07%
01:00	48	13.95%	24	6.98%	31	9.01%
01:30	5	1.45%	1	0.29%	10	2.91%
02:00	21	6.10%	14	4.07%	19	5.52%
02:30	0	0.0%	0	0.0%	2	.58%
03:00	1	0.29%	1	0.29%	1	0.29%
03:30	0	0.0%	0	0.0%	0	0.0%
04:00	1	0.29%	1	0.29%	1	0.29%

1.10 Premises enforcement

1.10.1 Regular enforcement of all premises will take place, the frequency of which (either six monthly; yearly or every eighteen months) will be determined through a risk assessment of the premises and the activities authorised under the licence.

In addition premises enforcement currently takes place:

- Through joint visits with Responsible Authorities (Kent Police; Environmental Health etc)
- Where complaints are received with respect to non compliance
- Where a new management team has taken over licensed premises

1.10.2 **Premises Inspection sheets** – During premises visits the following information is tracked to ensure compliance with granted licence - Premises Uniform reference number; date and time; Designated Premises Supervisor (DPS); DPS on duty; Managers name; Door Security on duty; Summary premises licence (Part B) displayed; Notice specifying the position displayed; Capacity; Number of people on premises; Plastic bottles/glasses; TV Screens; Number of Gaming machines; Live Music; Recorded Music and General Comments (conditions on the premises licence being complied with).

1.11 Hackney Carriage & Private Hire

1.11.1 A breakdown of taxi licences in force as of February 2012 is set out below

Type of licence	Number
Hackney Carriage drivers	243
Hackney Carriage vehicles	150
Private hire drivers	210
Private hire vehicles	203
Private hire operator	67

1.11.2 Taxi drivers liaison meeting

Two meetings have been held so far in 2012 with representatives from the taxi trade. These were held on the 13 February 2012 at Kings Hill and the 16 February 2012 at the Angel Centre.

Further meetings are planned to take place in October 2012.

1.11.3 Taxi Enforcement

Regular enforcement of taxi operations by both Hackney Carriage and Private Hire take place at different times during the day to ensure compliance with legislation and the Borough Council Taxi Policy.

During quarter 4 of 2011-12 and the first quarter of 2012-13 Licensing Services have been “sweeping the fleet” of vehicles licensed by the Borough Council.

Taxi Vehicle Inspection sheets - During any vehicle inspection twelve pieces of information are recorded: date and time; Plate No; Registration; Drivers Badge; Drivers Name; Valid Insurance; Expiry date of Insurance; Plates in date; Plates shown (Outside/inside); Condition of Taxi; Roof light working (HCV) and Notes.

It is planned to undertake joint enforcement work with:

- Kent Police
- Vehicle and Operator Services Agency (VOSA)
- Department for work and Pensions (DWP)
- Kent County Council (school contracts)

1.11.4 A3 Signs have been erected at Tonbridge taxi rank showing:

- how to make a complaint
- the Hackney Carriage authorised maximum fares giving examples of the cost of a journey for a 1, 2, 5 and 10 mile taxi ride. In addition example journeys and indicative cost of fares are shown (Sevenoaks Station 9.1 miles £21.90; Pembury Hospital 3.9 miles £10.01; Tunbridge Wells Station 4.9 miles £12.30 and Hadlow Square 4.2 miles £10.70).

1.12 Member training

1.12.1 Training has taken place during 2011-12 on the Licensing Act 2003 and Taxis.

1.12.2 During the forthcoming year it is proposed to offer additional licensing training courses focusing on the Gambling Act 2005, street trading and refresher training.

1.12.3 Members will be invited to tour the night-time economy during a late summer evenings to experience the night-time economy at first hand.

1.13 Licensing applications year to date 2011 - 2012

	TMBC 2011 – (06.03.12)
Personal Licences on database pre 10.04.11	988
Personal licences - NEW	76
*Personal – Change of name and address	
Premises licences on registrar	312
Club Premises Certificates on registrar	32
*New premises licence issued	97
*Transfer of premises licence	
*Variation of premises licence	
* Minor Variation of premises licence	
*DPS Variations	
*Change of Names & Addresses on premises licences	
*Number of Street Collections	79
*Number of House to House Collections	20
*Gaming Machine permits	6
GA2005 Premises licences - New	0
*Temporary Event Notices	339
*Driver licences (three year licence)	127
*Vehicles licences	403
*Operator licences (three year licence)	22
Total	2501

1.14 Safety Advisory Group (SAG)

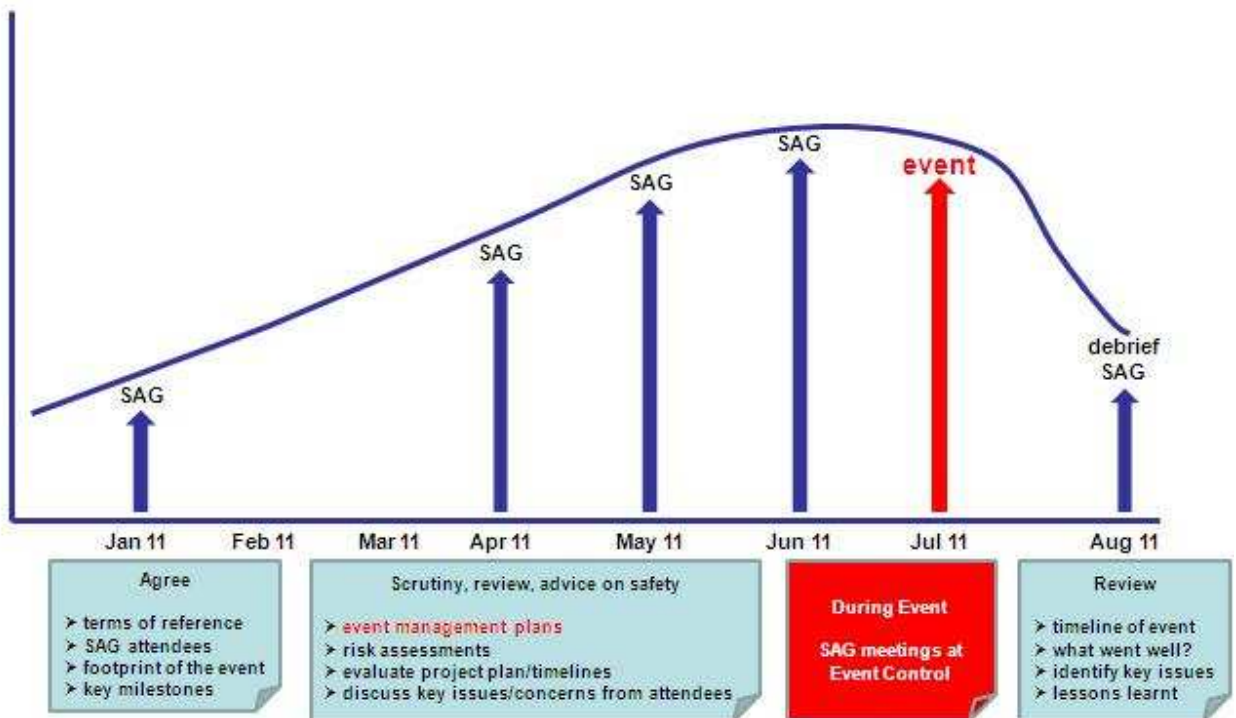
1.14.1 In the Final Report of the inquiry into the Hillsborough Stadium Disaster, Lord Justice Taylor, recommended that each local authority set up an advisory group (now generally known as Safety Advisory Group – SAG).

1.14.2 The purpose of the SAG is to assist the local authority in exercising its functions and to achieve this it will consist of appropriate members of its own staff and services together with representatives of the Kent Police, Kent Fire and Rescue Service, SECAMB and Kent Highways. Additional personnel can be invited being representatives of the event in question, who will form an essential part of the group and be regularly consulted, as will other organisations as and when appropriate.

1.14.3 The SAG represents a fundamental core around which the safety planning of all public events can be considered. The SAG will bring together inter-agency expertise to advise and guide Tonbridge & Malling Borough Council.

1.14.4 The principal objective of the SAG is to create a consistent and well-versed safety oversight process that can be used to enhance public safety at public events. This will involve “Scrutiny”, “Review” and “Advice” in respect of Event plans as submitted for each respective event on a proportionate basis.

1.14.5 SAG – Event life cycle



All events that are reviewed by the SAG are programmed within the set number of meetings to ensure there is sufficient time to clearly understand the event, comment and define required action to ensure a safe event.

In addition to the main event a debrief meeting is held to review the life cycle and lessons learnt.

1.14.6 Current events being reviewed by the SAG

- Olympic Torch Relay
- Hop Farm Music Festival
- War and Peace
- Tonbridge Angels Football Club

1.15 Examples of current/future projects

1.15.1 It is proposed to introduce a number of improvements to the licensing service. A number of these enhancements are IT/Web related and are in line with the principles driven by the Cabinet Member for Innovation & Service Delivery and the Innovation and Improvement Advisory Board. Examples of these are set out below

(a) Publication of trackers

- Premises tracker – showing current premises applications being processed for New; Variation; Minor Variation; Review and Transfer.
- Temporary Event Notice Tracker – This is published every Friday, and is distributed to Borough Councillors, Parish Councils and to Kent Police for use at the Friday CSU meeting and weekend Police staff. It is also a valuable tool in enforcement planning e.g. evaluating what activity is taking place.

(b) Premises Licences - the premises licence template we currently produce is changing:

- single sided printed licences will be produced to enable both sides of part B to be displayed
- premises licence number to be shown on all pages on the footer to ensure more complex licences have a clear identity tag
- embossing all premises with TMBC stamp
- updating all premises licences to show mandatory conditions which have recently come into force.

(b) Public registrars – Publish public taxi registrars on the web site

(c) Events Calendar – In conjunction with other services maintain a published event calendar showing “above the line” events which are subject of review by the Safety Advisory Group (SAG) and other key events for information

(d) Audit of Personal licences – checking people are living at registered addresses

(e) Review of all Uniform templates – A review of all current licence templates

1.16 Legal Implications

1.16.1 As set out in the report

1.17 Financial and Value for Money Considerations

1.17.1 None arising from this report

Background papers:none

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