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High Peak Borough Council



INFORMATION DIGEST DOCUMENT PACK

Date: Tuesday, 18 January 2022

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PART 1

1. Enforcement update and additional policy changes and proposed consultations
(Pages 3 - 8)

MARK TRILLO
EXECUTIVE DIRECTOR AND MONITORING OFFICER

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Information Digest



To: Licensing Committee

Date: 18 January 2022

***Enforcement update and additional policy changes
and proposed consultations.***

Councillor Fiona Sloman

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	Processed	Rejected
Charity Collections House to House	4	4 Permits Issued	0 Rejected
Charity Collections Street Collections	9	9 Permits Issued	0 Rejected
Pavement Licenses	24	Renewal letters sent out / Licenses issued	
Personal Alcohol Licenses	26	26 of which 13 were new Licenses and 13 changes to Holders circumstances	
Road Closure Orders	16	16 RCO issued	0 Refused
Small Society Lottery Chase Ups	8		
Small Society Lottery Renewal letters sent out	23		
Taxi Drivers	83		
Taxi Hackney Vehicles	3		
Taxi Operators	5		
Taxi Private Hire Vehicles	46		
TENS with Alcohol	44		
TENS LATE with Alcohol	6		
TENS without Alcohol	3		

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

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 Council carried out a consultation between 5th October 2021 and 4th November 2021 on proposed changes to the Statement.

No comments were received in relation to the consultation and the only changes proposed are due to updates in guidance/legislation.

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 is 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, the Council is required to review the policy every 5 years. When the policy was introduced in 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 (as confirmed by Council at its meeting held on 14th December 2021).
- Climate Change – Greener Vehicles.
- Legislation updates and mandatory conditions.

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