



MEETING: LICENSING AND REGULATORY COMMITTEE
DATE: Monday 3rd June, 2013
TIME: 6.30 pm
VENUE: Town Hall, Bootle

Member

Councillor
Councillor Kerrigan (Chair)
Councillor Robinson (Vice-Chair)
Councillor Ball
Councillor Bradshaw
Councillor Carr
Councillor K. Cluskey
Councillor Dorgan
Councillor Gustafson
Councillor Hands
Councillor Keith
Councillor Kermode
Councillor Mahon
Councillor Preece
Councillor Rimmer
Councillor Welsh

COMMITTEE OFFICER: Ruth Appleby.
Democratic Services Officer
Telephone: 0151 934 2181
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If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

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AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are requested to give notice of any disclosable pecuniary interest, which is not already included in their Register of Members' Interests and the nature of that interest, relating to any item on the agenda in accordance with the Members Code of Conduct, before leaving the meeting room during the discussion on that particular item.

3. Minutes

(Pages 5 - 10)

Minutes of the meeting held on 11 March 2013

4. Review of the Hackney Carriage and Private Hire Licensing Conditions Handbook

(Pages 11 - 16)

Report of the Director of Built Environment

A copy of the draft Hackney Carriage, Private Hire and Omnibus Licensing Scheme Handbook Version 2 referred to in the report, can be accessed on the Council's web library at:

<http://modgov.sefton.gov.uk/moderngov/ecSDDisplay.aspx?NAME=SD1525&ID=1525&RPID=7263336&sch=doc&cat=13159&path=13158%2c13159>

5. Reforming the Law of Taxi and Private Hire Services - An Update

(Pages 17 - 24)

Report of the Director of Built Environment

6. Taxi Licensing Performance Report 2012/13

(Pages 25 - 32)

Report of the Director of Built Environment

7. Introduction of a Byelaw - Cosmetic Treatments

(Pages 33 - 44)

Report of the Director of Built Environment

8. Licensing Controls relating to Street Trading and Pedlars

(Pages 45 - 52)

Report of the Director of Built Environment

- 9. Provisions contained within the Scrap Metal Dealers Act 2013** (Pages 53 - 58)
Report of the Director of Built Environment
- 10. Local Licensing Performance Report 2012/13** (Pages 59 - 64)
Report of the Director of Built Environment
- 11. Determinations made under the Licensing Act 2003 and the Gambling Act 2005: Period Covering 9 February 2013 to 17 May 2013** (Pages 65 - 74)
Report of the Director of Built Environment

THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

LICENSING AND REGULATORY COMMITTEE

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON 11 MARCH 2013

PRESENT: Councillor Kerrigan (in the Chair)

Councillors Ball, Blackburn, Carr, Dorgan,
Gustafson, Keith, Kermode, Mahon, Preece,
Rimmer, Robertson and Roche

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradshaw and Robinson.

35. DECLARATIONS OF INTEREST

No declarations of pecuniary interest were made.

36. MINUTES

RESOLVED:

That the Minutes of the meeting held on 19 November 2012 be confirmed as a correct record.

37. REVISED STATEMENT OF LICENSING POLICY

The Committee considered the report of the Director of Built Environment on the Revised Statement of Licensing Policy which was attached as Annex A to the report.

Mr D Packard, Head of Environment, presented the report and answered questions thereon.

Arising from discussion, the Council's policy relating to street traders and pedlars was raised.

Mr Packard indicated that the Revised Statement of Licensing Policy related to the sale of alcohol and other licensing activity which fell within the remit of the Licensing Act 2003 and not street traders and pedlars, but suggested that the Committee could request a report on street traders and pedlars for consideration at a future meeting.

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LICENSING AND REGULATORY COMMITTEE- MONDAY 11TH
MARCH, 2013

RESOLVED: That

- (1) the draft revised Statement of Licensing Policy shown at Annex A of the report and the actions being taken to progress the revision of the Statement of Licensing Policy be noted and endorsed; and
- (2) the Director of Built Environment be requested to submit a report on licensing controls relating to street traders and pedlars, to a future meeting.

38. LOCAL LICENSING FEES AND CHARGES 2013/2014

The Committee considered the report of the Director of Built Environment on proposed changes to fees and charges for Local Licensing Services in 2013/2014.

The report indicated that the majority of fees applicable to local licensing matters were set by Central Government and where increases were proposed as detailed in the annex to the report, the increase was in line with inflation and Local Government Regulation (formally known as LACORS) guidance.

Mr D Packard, Head of Environment presented the report and answered questions thereon. Mr Packard explained that in respect of the fee for Sex Establishment Licences, the Council could only charge a “reasonable” fee in setting them to cover costs and was not permitted to make a profit from them; the process fee for the renewal of a Sex Establishment Licence had historically always included a portion to cover the costs of holding a Hearing to consider the matter where objections had been received; and that as no objections had been received for a number of years and therefore no Hearings had been necessary, the fees had therefore been adjusted for 2013–2014 to take account of this.

RESOLVED:

That the proposed fees and charges for 2013/14 listed in the Annex to the report be noted and endorsed.

39. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005: PERIOD COVERING 20 OCTOBER 2012 TO 8 FEBRUARY 2013

The Committee considered the report of the Director of Built Environment updating on applications made under the Licensing Act, 2003 and the Gambling Act 2005, which had been determined by Licensing Officers.

The report indicated that Sefton Council’s Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling

Policy (issued under the Gambling Act 2005), both followed the recommended delegation of functions contained within the Guidance issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005 and that where there were no relevant representations to applications, then these matters would be dealt with by Officers in order to speed matters through the system. The Guidance also recommended that where powers had been delegated, the Committee would receive regular reports on decisions made by Officers in order to maintain an overview of the general licensing situation.

The report indicated that during the period 20 October 2012 to 8 February 2013, the Director of Built Environment had received and determined the following numbers of applications:

Under the Licensing Act 2003:

• Premises Licences	99
• Personal Licences	56
• Temporary Event Notices	97
• Notification of Late Temporary Event Notices	17

Under the Gambling Act 2005:

• Gambling Premise Licences	4
• Licensed Premises Automatic Gaming	9

Details of the determinations were indicated in Annexes 1 and 2 of the report.

RESOLVED:

That the report and the fact that further update reports would be submitted as necessary be noted.

40. TAXI LICENSING FEES 2013/14

The Committee considered the report of the Director of Built Environment on a proposal to freeze the fees and charges for Taxi Licensing Services in 2013/14.

Mr D Packard, Head of Environment presented the report and answered questions thereon.

RESOLVED:

That the retention of fees and charges for Taxi Licensing Services, at the 2012/2013 level, for 2013/2014 be approved.

41. APPOINTMENT OF A CONSULTANT TO CARRY OUT THE

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LICENSING AND REGULATORY COMMITTEE- MONDAY 11TH
MARCH, 2013

HACKNEY CARRIAGE UNMET DEMAND SURVEY

Further to Minute No. 22 of 24 September 2012, the Committee considered the report of the Director of Built Environment on the appointment of a consultant to carry out a Hackney Carriage Unmet Demand Survey in 2013/14.

Mr D Packard, Head of Environment, presented the report and answered questions thereon.

Arising from discussion, Members asked why the Transport Authority had not been invited to tender for this contract in view of their low costs and detailed knowledge of the area. Mr Packard indicated that one of the key criteria was that the company undertaking the survey needed to be completely independent and impartial, and as such it was unlikely that the local Transport Authority could be deemed to be so.

RESOLVED: That

- (1) the decision of the Director of Built Environment to appoint 'Halcrow Limited' as a consultant for the Hackney Carriage Unmet Demand Survey in Sefton was endorsed; and
- (2) The Transport Authority be invited to tender for a future Hackney Carriage Unmet Demand Survey if it is found to fulfil the independence criteria for conducting such a survey.

42. TAXI LICENSING: 'DROP OFF' FACILITY AT BOOTLE ONE STOP SHOP - AN UPDATE

The Committee considered the report of the Director of Built Environment on the development of the 'Drop Off' facility for Taxi Customers at Bootle One Stop Shop.

RESOLVED: That

- (1) the report be noted; and
- (2) the Director of Built Environment be requested to submit a further report on the development and use of the One Stop Shop Taxi Licensing 'drop off' facility in October 2013.

43. REVIEW OF CALENDAR OF LICENSING AND REGULATORY COMMITTEE MEETINGS

LICENSING AND REGULATORY COMMITTEE- MONDAY 11TH
MARCH, 2013

The Committee considered the report of the Director of Corporate Commissioning which sought Members' views on reducing the frequency of meetings of the Licensing and Regulatory Committee.

The report indicated that one of the budget options the Cabinet had approved for consultation was to reduce the number of meetings and it was recommended that the number of meetings of the Licensing and Regulatory Committee be reduced from 6 to 4 meetings per year.

The Committee Administrator advised that any urgent matters which could not wait until the next meeting of the Licensing and Regulatory Committee could be dealt with by the Licensing and Regulatory Urgent Referrals Committee.

Arising from discussion, Members reflected that meetings were often cancelled due to lack of business, for example, the last meeting scheduled to take place on 14 January 2013. As such, given the option for convening Licensing and Regulatory Urgent Referral Committee meetings for consideration of any matters which could not wait until the next full Licensing and Regulatory Committee meeting, they could see no real reason not to reduce the number of meetings from 6 to 4 per year.

RESOLVED:

That the proposal to reduce the number of meetings of the Licensing and Regulatory Committee from 6 to 4 meetings per year be endorsed.

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Agenda Item 4

Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013

Subject: Review of the Hackney Carriage & Private Hire Licensing Conditions & Handbook.

Report of: Director of Built Environment

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan?
No

Exempt/Confidential No

Purpose/Summary

To advise the Licensing & Regulatory Committee of the outcome of the review of the Hackney Carriage & Private Hire Licensing conditions and seek endorsement of the proposed changes to those conditions.

Recommendation(s)

That the Committee:

- 1) Notes the results of the review of the Hackney Carriage & Private Hire Licensing Conditions; and
- 2) Adopts the revised handbook and the provisions contained therein as the Hackney Carriage & Private Hire Licensing Scheme for Sefton.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity	√		
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

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Reasons for the Recommendation:

The current 'Handbook' was published in October 2008 and interim changes to policy require consolidation.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial implications for the Council's Revenue budget. The cost of the review and the printing and distribution of the new 'Handbook' is covered by the ring-fenced Hackney Carriage & Private Hire Reserve Account.

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	The Head of Corporate Legal Services (LD1608/13) has been consulted and comments have been incorporated into the report. The relevant legislation is referred to in the list of Background Papers.	
Finance	The Head of Corporate Finance and ICT (FD 2292/13) has been consulted and comments have been incorporated into the report	
Human Resources	None	
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Improved standards and consistency

What consultations have taken place on the proposals and when?

Hackney Carriage & Private Hire Joint Trades Group - 4th December 2012
Hackney Carriage & Private Hire Joint Trades Sub Group – 10th January 2013
Licensing & Regulatory Committee Spokespersons with representatives of the Hackney Carriage & Private Hire Trades Meeting – 22nd January 2013.
Hackney Carriage & Private Hire Joint Trades Sub Group – 5th February 2013

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Hackney Carriage & Private Hire Joint Trades Group – 19th February 2013
Hackney Carriage & Private Hire Joint Trades Sub Group – 19th February 2013
Hackney Carriage & Private Hire Joint Trades Sub Group – 26th February 2013
Hackney Carriage & Private Hire Joint Trades Group – 30th April 2013

Are there any other options available for consideration?

No – The previous handbook is out of date and needs updating.

Implementation Date for the Decision:

Following this meeting

Contact Officer: Mark Toohey
Tel: 0151 934 2274
Email: mark.toohey@sefton.gov.uk

Background Papers:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Law Commission Consultation Paper No 203 – “Reforming The Law Of Taxi and Private Hire Services”, see website http://lawcommission.justice.gov.uk/docs/cp203_taxi-and-private-hire-services.pdf
- Review of the Hackney Carriage & Private Hire Licensing Conditions – Licensing & Regulatory Committee 27th October 2008.
- Taxi Licensing Handbook Version 1

1. Background

- 1.1 Members will recall the report “Reforming the Law of Taxi and Private Hire Services” presented on 27th October 2008. The report advised of the outcome of the review of the hackney carriage and private hire licensing conditions and introduced the Hackney Carriage, Private Hire and Omnibus Licensing Scheme Handbook which the Committee adopted from 1st December 2008.
- 1.2 The current handbook (Version 1.1) was subsequently printed and a personal copy issued to each driver.
- 1.3 Changes to policy, legislation and Government guidance during the intervening period means the current version of the handbook is now considered to be out of date and requires review.

2. The Review of Licensing Conditions and Handbook 2012/13.

- 2.1 The review was conducted by the Principal Trading Standards Officer and has involved a critical assessment of the validity of the existing pre-conditions and conditions. The review commenced in mid 2012/13 and closed on 13th May 2013

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and has been carried out in consultation with both the hackney carriage and private hire through the Council's established trade working groups.

2.2 The review has been carried out in an open and transparent manner with information and ideas being drawn from the Trades. Information and ideas were exchanged at the scheduled Trade liaison meetings and at dedicated 'sub-group' meetings arranged specifically to discuss potentially contentious policy issues and ensure statutory or customary requirements to consult with affected parties have been complied with.

2.3 The review highlighted:

- a) The Handbook Version 1.1 was out of date;
- b) Minor inconsistencies of policy across licence types;
- c) Confused lines of responsibility;
- d) Ambiguities within the 'Convictions' policy;
- e) Overuse of complicated language;
- f) Unnecessarily onus conditions; and
- g) Highlighted that the Council's Compliance Testing regime is in need of review.

2.4 The review has addressed a number of contentious policy issues to reach a consensus that can be consolidated with existing policies in a new handbook which is set out under the following headings:

- a) Index;
- b) The Purpose of the Licensing Scheme & Introduction to the Handbook;
- c) Glossary of terms;
- d) Client Charter, defining the Council's service standards;
- e) The Licensing Requirements
 - Driver Licenses (All)
 - Private Hire Drivers
 - Private Hire Proprietors
 - Private Hire Operators
 - Hackney Carriage & Private Hire Vehicle Licences
 - The Compliance Test
 - Additional Licensing Conditions – All vehicles
 - Additional Licensing Conditions – Private Hire vehicle licences
 - Additional Licensing Conditions- Hackney Carriage vehicle licences
 - Hackney Carriage Byelaws
 - General conditions (All drivers and proprietors)

- Licensing Enforcement

- f) Annex 1 – ‘Convictions Policy’;
- g) Annex 2 – Horse Drawn & Pedicabs Conditions of Licence
- h) Annex 3 – Motorcycle Conditions of Licence;
- i) Annex 4 – The Issue of Hackney Carriage Vehicle Licences;
- j) Annex 5 – Sefton MBC Appointed Compliance Test Facilities;
- k) Annex 6 – Licensing Renewal ‘Drop Off’ Facility;
- l) Annex 7 – Traffic Regulation Orders / Hackney Carriage Ranks;
- m) Annex 8 – Trade Organisations;
- n) Annex 9 – Frequently Asked Questions.

2.5 The Council’s Compliance Testing regime will be reviewed separately in 2013/14.

3. The Key Changes

3.1 The format of the handbook has changed significantly, presenting the policy and conditions in an indexed user friendly way and compartmentalising key topics into thematic annexes, *for example the Convictions Policy*

3.2 The Client Charter has been enhanced further defining the standards of service clients should expect.

3.3 The Licensing Requirements have been reviewed in consultation with the trade allowing the removal of ambiguity and points of contention, *for example the meaning of ‘sufficient identifiers’ (Part 4 (h))*.

3.4 Explanatory notes have also been added where it has been considered appropriate to explain the Council’s interpretation of the legislation and as a guide to the likely enforcement action that may be taken for breaches of legislation or conditions, *for example ‘Part 12’*.

3.5 The Handbook consolidates policy changes made since October 2008.

3.6 The most significant policy change is the new “Statement of Policy and Guidelines Relating to the Relevance of Convictions” which has introduced a more detailed and rigid policy in relation to sex offences and offences against a person. The tightening of policy is consistent with the other Merseyside Taxi Licensing Authorities.

3.7 A draft copy of *‘Version 2 of the Hackney Carriage, Private Hire and Omnibus Licensing Scheme Handbook’* can be accessed on the Council’s Web Library at: <http://modgov.sefton.gov.uk/moderngov/ecSDDisplay.aspx?NAME=SD1525&ID=1525&RPID=7263336&sch=doc&cat=13159&path=13158%2c13159>

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- 3.8 It is proposed that policy and conditions of licence should be further reviewed following the publication of the Law Commission Review of the hackney carriage and private hire legislation and the publication of the Government's proposals / guidance on this matter.

4. Conclusions

- 4.1 The original handbook (Version 1) that was published in 2008 is now out of date.
- 4.2 The Council needs to consolidate policy and guidance until publication of the Law Commission review of Taxi Licensing is concluded.

Agenda Item 5

Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013

Subject: Reforming the Law of Taxi and Private Hire Services – An Update

Report of: Director of Built Environment

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan?
No

Exempt/Confidential No

Purpose/Summary

To advise Members of the Government and the Law Commission responses to the consultation about reforming the Law of Taxi and Private Hire Services.

Recommendation(s)

That Members note this Report and its contents.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

Agenda Item 5

Reasons for the Recommendation:

To give Members an overview of the issues raised by the Law Commission Review of Taxi and Private Hire Services

What will it cost and how will it be financed?

(A) Revenue Costs

None.

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	The Head of Corporate Legal Services (LD1575/13) has been consulted and has no comments to add.
Finance	The Head of Corporate Finance and ICT (FD2257/13) notes at this stage of the review there are no direct financial implications arising from this report
Human Resources	None
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

The consultation does not impact on the work of the Taxi Licensing Team at this time. A further report will be presented to members following the publication of the Law Commission's final report and draft Bill in November 2013

What consultations have taken place on the proposals and when?

Taxi Licensing Team, June 2012

Hackney Carriage & Private Hire Joint Trades Working Group 26th June 2012

Are there any other options available for consideration?

No

Implementation Date for the Decision

N/A

Contact Officer: Andrew Naisbitt
Tel: 0151 934 4014
Email: andrew.naisbitt@sefton.gov.uk

Background Papers:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Law Commission Consultation Paper No 203 – “Reforming The Law Of Taxi and Private Hire Services”, see website http://lawcommission.justice.gov.uk/docs/cp203_taxi-and-private-hire-services.pdf
- Local Government Association Briefing 8th June 2012 - “Reforming the law of taxi and private hire services”
- Reforming the Law of Taxi and Private Hire Services – A Consultation Paper (L&R 30th July 2012)
- “Government response to the consultation exercise March 2013”
- “Law Commission Interim Statement April 2013”

1. Background

- 1.1 Members will recall the report “Reforming the Law of Taxi and Private Hire Services” presented on 30th July 2012. The report introduced Sefton Council’s response to the Law Commission Consultation Paper 203.
- 1.2 The report advised that in July 2011, the Law Commission announced that it had been asked to review the law relating to the regulation of taxis and private hire vehicles, with a view to its modernisation and simplification, having due regard to the potential advantages of deregulation in reducing burdens on business and increasing economic efficiency and invited comments on its proposals.
- 1.3 The consultation attracted over 3000 written responses from a wide range of stakeholders and both the Government and Law Commission have published statements in response to the consultation. This report summarises the key points of those statements.

2. Government response to the consultation exercise – March 2013.

- 2.1 The Government’s response is a broad position statement and identifies areas where they consider that the Law Commission could carry out further investigation or consideration before reaching a conclusion.
- 2.2 The first point made by the Government is that the overall outcome of the review should make the legislative framework for taxis and private high vehicles less burdensome than at present. It suggests non-regulatory measures should be considered as far as possible and new regulatory measures should only be proposed where there is a strong cost benefit analysis, a clear indication of market

Agenda Item 5

failure and strong evidence of why regulation is necessary. The Government also urges the Law Commission to consider the concept of “grandfather rights” where there are any elements or details of the existing licensing system which might be allowed to continue. The Government also wants the legislation to be framed in such a way as to give the Government sufficient flexibility to draw up any necessary secondary legislation or guidance.

2.3 The Government’s key points are as follows:

- a) The Government agrees with the Law Commission’s proposal that regulation should continue to distinguish between taxis, which can be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares;
- b) That it secures legislation which captures the right people and services and makes it abundantly clear to all transport providers and to all those responsible for licensing and enforcement who should be licensed and who does not need to be licensed;
- c) That London should be included within the scope of the reform and that a single regulatory system should be established across the whole country;
- d) That there is no case for requiring the licensing of wedding and funeral services;
- e) That Government does have a particular concern about the provision of taxi services at airports. It has doubts whether a sole concession with a private hire company offers a fair deal for passengers;
- f) The Government wants a clear definition for taxi and private hire so consumers are clear which vehicles they are able to hail;
- g) That the leisure and non-professional use of taxis and private hire vehicles should be permitted and that the term “hackney carriage” should be abandoned in favour of “taxi”;

Reformed Regulatory Framework

- h) That a national approach to safety standard setting will simplify the licensing process and provide a more level playing field for the trades throughout the country;
- i) That in relation to private hire vehicles, national safety standards set by the Secretary of State should be the only applicable licensing standards;
- j) That a national system of private hire vehicle operation will have a substantial liberalising effect on the private hire trade and make it better responsive to passenger needs;
- k) That in relation to taxis, local licensing authorities should retain the power to set standards locally above the national minimum framework;

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- l) That there is a considerable advantage in allowing licensing authorities to co-operate or combine and it should be facilitated in new legislation;
- m) The Government does not favour the creation of zones within a licensing area;
- n) The Government agrees with the proposal that licensing authorities should retain the ability to regulate maximum taxi fares but not to have any power to regulate private hire vehicle fares;

Licensing

- o) The Government wants the new regulatory framework as easy to use as possible;
- p) The Government believe that operator licensing should be retained as mandatory in respect of private hire vehicles, that definitions should be clarified and operators should be expressly permitted to sub-contract services;

Quantity Control

- q) The Government believes licensing authorities should no longer have the power to restrict taxi numbers and a staggered or phased removal of the power to control taxi numbers might be a sensible way to proceed;

Equality

- r) The Government does not consider it necessary at the moment to establish a separate licence category for wheel chair accessible vehicles even though it recognises the importance of taxis and private hire vehicles for people with disabilities;

Enforcement

- s) The Government does not consider it appropriate to extend the important and specialised power of stopping moving vehicles to taxi licensing officers;
- t) The Government is concerned about 'touting' and believes that impounding vehicles that breach rules would be a step too far. It also considers there is scope for greater use of fixed penalty schemes;
- u) The Government agrees that enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas and that enforcement powers across boundaries has to be carefully considered and also funded; and

Appeals

- v) The Government agrees that the right to appeal against licensing decisions should be limited to the applicant or licence holder and that the magistrates' court is the right place to hear such appeals and to be the place of the final appeal.

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3. The Law Commission Interim Statement - April 2013

- 3.1 In July 2011 the Law Commission started work on the project to review the law relating to the regulation of taxis and private hire vehicles. A four month consultation started in May 2012 outlining provision proposals and questions, with a view to publishing a final report and draft bill by the end of 2013.
- 3.2 It is not normal practice for the Law Commission to publish any indication of its preferred policy, but it has recognised that many stakeholders are concerned about possible changes to the taxi and private hire licensing laws.
- 3.3 The Law Commission is keen to stress that this is an interim statement and not the final report and that the final recommendations might differ from the current position. They also go on to say that their recommendations cannot change the law and the decision whether to accept any proposed policy rests with the government.
- 3.4 The Law Commission's key points are as follows:
 - a) The consultation attracted over 3000 written responses from a wide range of stakeholders, including taxi drivers and private hire operators, licensing officers, disability groups, trade unions and the police;

The Two Tier System

- b) The two-tier system, distinguishing between taxis and private hire should remain and London should be included in the reforms;

Quantity Control

- c) That the Law Commission no longer recommend abolishing quantity controls, however they propose that in any areas where the licensing authority chooses to implement new quantity restrictions, vehicle licenses would not be transferrable, meaning that licenses would not have a saleable value. In areas that already have quantity restrictions, transfers would continue but the future of licence transfers should be reviewed;

Licensing

- d) That wedding and funeral cars should continue to be exempted from licensing but vehicles operating at the fringes of licensing, or outside of licensing altogether should be brought within the scope of the legislation;

Standards

- e) That national safety standards for both taxi and private hire services should apply, although Taxis may be subject to additional local standards;
- f) That there should only be national standards for private hire services;

Cross Border

- g) That taxis should only be allowed to work within their own areas but cross border working for private hire services should be freed up;

Operators

- h) That definitions e.g. private hire operator be tightened to remove ambiguity; and

Enforcement

- i) That a range of tougher powers for licensing officers including the ability to stop licensed vehicles, impounding and fixed penalty schemes be introduced. It is also recommended that such powers should apply in respect of out-of-area vehicles

4. Conclusions

- 4.1 There is currently disagreement between the Government and the Law Commission on a number of key issues e.g. Quantity controls and Enforcement powers.
- 4.2 In order to complete its task the Law Commission will have to take into account a wide range of views and drawing up a firm plan of action will require a careful balancing act.
- 4.3 The Law Commission will publish its final report and a draft bill at the end of 2013.

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Agenda Item 6

Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013

Subject: Taxi Licensing: Performance Report 2012/13

Report of: Director of Built Environment

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan? No

Exempt/Confidential No

Purpose

To update Members on the Hackney Carriage / Private Hire Licensing Facilities provided by Sefton Plus and the enforcement activities of the Taxi Licensing Team.

Recommendation(s)

That Licensing and Regulatory Committee:

- i) Notes this report; and
- ii) Requests similar reports on a biannual basis

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being	√		
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

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Reasons for the Recommendation:

To enable the Licensing & Regulatory Committee to review and influence the service activities carried out by the Department of Built Environment. The Council has a statutory duty to licence and carry out various enforcement duties under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

What will it cost and how will it be financed?

(A) Revenue Costs

Costs are met from within the existing Taxi Licensing Budget.

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	The Head of Corporate Legal Services (LD1599/13) has been consulted and any comments have been incorporated into the report.
Finance	The Head of Finance and ICT (FD2283) has been consulted and notes the report indicates any costs will be met from within the existing Taxi Licensing Budget.
Human Resources	None
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Improved standards and greater customer focus.

What consultations have taken place on the proposals and when?

Statistics provided by Sefton Plus and Taxi Licensing Team, April 2013

Are there any other options available for consideration?

None.

Implementation Date for the Decision

Immediately following the Committee Meeting.

Contact Officer: Andrew Naisbitt
Tel: 0151 934 4014
Email: andrew.naisbitt@sefton.gov.uk

Background Papers:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976

1. Background

1.1 Members will recall that, on 28th May 2012, the Licensing and Regulatory Committee considered a report entitled "Taxi Licensing Performance Report 2011/12".

1.2 That report highlighted Licensing Service performance for the period 1st April 2011 to 31st March 2012 is summarised as follows:

- 820 of the available 992 appointments available were booked at the Bootle One Stop Shop. **31%**, **(255)** were not kept.
- 338 of the available 983 appointments available were booked at the Southport One Stop Shop. **18%**, **(62)** were not kept.
- 317 failed appointments equates to 158.5 officer hours wasted, ie 22 days.
- A total of 817 appointments remained open, 645 in Southport One Stop Shop.
- There were 7538 "drop ins" in the Bootle One Stop Shop of which 2% (141) left before waiting to be seen.
- There were 1304 "drop ins" in the Southport One Stop Shop, all of who were seen.
- 1544 Knowledge Test places have been offered at the Bootle One Stop Shop, 90% of which were booked. 30% of candidates failed to attend their appointments. 245 (25%) of the 981 candidates who attended passed the test.
- 1001 Knowledge test places have been offered at the Southport One Stop Shop, 52% of which were booked. 21% of candidates failed to attend their appointments. 143 (33%) of the 412 candidates who attended passed the test.
- The average pass rate was 29%
- The number of licence applications received over the period is down by 1.6% compared with the same period in 2010/11.

1.3 The results identified available capacity in the Appointment system in both One Stop Shops, which if used could reduce the number of "drop ins" and waiting time, not just for the Trade but other Council clients.

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2. The Service – 1st April 2012 to 31st March 2013

2.1. Taxi Licensing Appointments at Bootle One Stop Shop

Appts Offered	Appts Booked	Appts Unused	Appts Kept	Appts Not Kept	Drop Ins Seen	Drop Ins Not Seen	Total Drop Ins
765	604 (79%)	161 (21%)	430 (71%)	174 (29%)	7814	250 (3%)	8064

2.2 Taxi Licensing Appointments at Southport One Stop Shop

Appts Offered	Appts Booked	Appts Unused	Appts Kept	Appts Not Kept	Drop Ins Seen	Drop Ins Not seen	Total Drop Ins
750	297 (40%)	453 (60%)	250 (84%)	47 (16%)	1302	0 (0%)	1302

2.3 Knowledge Test at Bootle One Stop Shop

Thursdays	Total Spaces	Booked Test	"Did Not Attend"	Actual Attendance	Attended and failed	Attended and passed	Bootle % pass rate attendees	Bootle % pass rate against bookings
TOTALS	1891	1643	581	1062 (*)	959	336	26%	10%
		(87%)	(35%)	(65%)	(74%)	(26%)	% -v- Attend	% -v- Booked

(*) Actual attendance figure 1295 – vacant places taken by 233 candidates on waiting list.

2.4 Knowledge Test at Southport One Stop Shop

Tuesdays	Total Spaces	Booked Test	"Did Not Attend"	Actual Attendance	Attended and failed	Attended and passed	Southport % pass rate attendees	Southport % pass rate against bookings
TOTALS	1066	959	266	693	446	247	35%	26%
		(89%)	(28%)	(72%)	(65%)	(35%)	% -v- Attend	% -v- Booked

3. Total Number of Licence Applications compared against previous years

Month of	Number of Licence Applications 2009/10	Number of Licence Applications 2010/11	Number of Licence Applications 2011/12	Number of Licence Applications 2012/13	Change 2012/13 against 2011/12	% change
Apr	663	601	598	568	-30	-5%
May	532	579	597	645	48	8.04%
Jun	581	620	657	504	-153	-23.29%
Jul	651	596	596	640	44	7.38%
Aug	526	526	603	587	-16	-2.65%
Sep	556	608	601	597	-4	-0.67%
Oct	562	729	686	684	-2	-0.29%
Nov	560	622	659	706	47	7.13%
Dec	462	526	507	284	-223	-43.98%
Jan	554	632	593	644	51	8.60%
Feb	598	708	662	585	-77	-11.63%
Mar	741	805	675	666	-9	-1.33%
Total	6986	7552	7434	7110	-324	-4.35%

4. **Service Performance for the period 1st April 2011 to 31st March 2012:**

4.1 Service performance can be summarised as follows:

- 604 of the available 785 appointments available were booked at the Bootle One Stop Shop. **29%**, **(174)** were not kept.
- 297 of the available 750 appointments available were booked at the Southport One Stop Shop. **16%**, **(47)** were not kept.
- 221 failed appointments equates to 110.5 officer hours wasted, ie 15 days.
- A total of 614 appointments remained open, 453 in Southport One Stop Shop.
- There were 8064 “drop ins” in the Bootle One Stop Shop of which 3% (250) left before waiting to be seen.
- There were 1302 “drop ins” in the Southport One Stop Shop, all of who were seen.
- 1891 Knowledge Test places have been offered at the Bootle One Stop Shop, 87% of which were booked. 35% of candidates failed to attend their appointments. 336 (26%) of the 1062 candidates who attended passed the test.
- 1066 Knowledge test places have been offered at the Southport One Stop Shop, 89% of which were booked. 28% of candidates failed to attend their appointments. 247(35%) of the 693 candidates who attended passed the test.
- The average pass rate was 23%

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- The number of licence applications received over the period is down by 4.4% compared with the same period in 2011/12.

4.2 There is available capacity in the Appointment system in both One Stop Shops, which if used could reduce the number of “drop ins” and waiting time, not just for the Trade but other Council clients. However the number of ‘wasted’ hours has been reduced by 31% compared with the same period in 2011/12. This has been achieved by operating a waiting list and offering ‘no show’ places to applicants who are prepared to wait and take an available space at short notice.

5. Taxi Licensing Team Enforcement Statistics

5.1 Taxi Licensing Team Enforcement performance for the period 1st April 2012 to 31st March 2013 and can be summarised as follows:

a) Hackney Carriage On Street Inspections / Pre-Planned Inspections

- 286 vehicles inspected
- 79% Fault Free – 42 vehicle defect notices issued, 20 stop notices issued.

b) Private Hire On Street Inspections / Pre-Planned Inspections

- 1210 vehicles inspected
- 71% Fault Free – 224 vehicle defect notices issued, 131 stop notices issued.

c) Convictions during 2012/13

Defendant	Offences	Fine	Costs	Points
John Hung Liverpool HC	Illegally Plying For Hire & No Insurance	£180	£175	7
David Frederick Liverpool HC	Illegally Plying For Hire & No Insurance	£150	£115	6
Ben Thomas Moreley Liverpool HC	Illegally Plying For Hire & No Insurance	£150	£100	6
Liam Power Sefton PH	Fail to comply with Stop Notice	£250	£270	-
Kevin Dougherty Liverpool HC	Illegally Plying for hire	£100	£175	-
Thomas Peter Devine Liverpool HC	Illegally Plying for hire	£100	£150	-
Colin Frederick Wetherall Liverpool HC	Illegally Plying For Hire & No Insurance	£200	£265	6 Exceptional Hardship Hearing as already had points
John Robert Williams Liverpool HC	Illegally Plying For Hire & No Insurance	£180	£175	7
David Richard Churchill Liverpool HC	Illegally Plying For Hire & No Insurance	£175	£150	6
Edward Charles McTigue Liverpool HC	Illegally Plying For Hire & No Insurance	£150	£200	-
Mohamed Diad	Illegally Plying For	£250	£200	6

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Liverpool HC	Hire & No Insurance			
Andrew Peter Jackson Liverpool HC	Illegally Plying For Hire	£200	£250.45	-
Paul Steven Larkin Liverpool HC	Illegally Plying For Hire & No Insurance	£140	£213.62	6
Michael Joseph Duffy Liverpool HC	Illegally Plying For Hire & No Insurance	£400	£85	6
John Smith Liverpool HC	Illegally Plying For Hire & No Insurance	£350	£272.81	6
Philip Gerard O'Hanlon Liverpool HC	Illegally Plying For Hire & No Insurance	£200	£100	6
Paul Johnston Liverpool HC	Illegally Plying For Hire & No Insurance	£300	£200	6
Selahittin Cifi Liverpool HC	Illegally Plying For Hire & No Insurance	£400	£287.64	6
Michael George Finneran Knowsley PH	Illegally Plying For Hire & No Insurance	£150	£150	6
Martin Geraghty Sefton PH	Illegally Plying For Hire	£120	£150	-
Gary Evans Liverpool HC	Illegally Plying For Hire & No Insurance	£180	£85	6
Ian Christopher Soutar Liverpool HC	Illegally Plying For Hire	£200	£250	6
Durim Hyseni Liverpool HC	Illegally Plying For Hire & No Insurance	£400	£268.93	-
Kevin Birchall Knowsley PH	Illegally Plying For Hire & No Insurance	£450	£100	6
Edward James Marsden Knowsley PH	Illegally Plying For Hire & No Insurance	£470	£248.87	6

- d) Warnings
 - 17 Warning Letters
- e) Suspensions / Revocations / Refusals
 - 54 Licence Applications Refused
 - 3 Licences Revoked
 - 2 Licences Suspended
- f) Insurance requests via One Stop Shops – 4520
- g) Complaints re Licence Holders – 14

5.2. The statistics show 71% private hire vehicles were found fault free on inspection compared with 74% in 20011/12, the number of hackney carriage vehicles found fault free also improved from 77% to 79% for the same period. The number of defect notices issued by the enforcement staff has fallen by 23%.

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- 5.3 The number of prosecutions remains consistent however the number of Liverpool licensed hackney carriage drivers caught plying for hire in Sefton has increased from 66% of the cases brought before the Courts in 2011/12 to 80% in 2012/13. Conversely the number of Sefton private hire drivers caught illegally plying for hire has decreased from 25% to 8% of the cases prosecuted. Knowsley Drivers now account for 12% of the cases.

6. Summary & the Year Ahead

- 6.1 The proactive approach adopted by the Taxi Licensing Unit is the key factor in ensuring the quality of hackney carriage and private hire vehicles and hence the safety of the travelling public.
- 6.2 The service will continue its 'plying for hire' exercises and will target vehicle defects by a combination of checks at Compliance Testing Stations and on district vehicle checks.
- 6.3 The licensing service will also continue its modernisation process by enhancing the facilities offered by Sefton Plus allowing the Department of Built Environment to focus all its resources on enforcement activity. Further reports will be presented to the Licensing & Regulatory Committee detailing the service enhancements as they take place.

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Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013
Council 27th June 2013

Subject: Introduction of a Byelaw – Cosmetic Treatments

Report of: Director of Built Environment **Wards Affected:** All

Is this a Key Decision? Yes **Is it included in the Forward Plan?**
No

Exempt/Confidential No

Purpose

To seek the Council's adoption of a new model byelaw governing acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, and the consequent revocation of the Council's existing byelaws covering this activity.

To ensure that the new byelaw can be legally enacted, the Council must ensure that it has adopted the latest technical and legal definitions of the various cosmetic treatments. Consequently, this report proposes a technical resolution to demonstrate that the provisions of Sections 14 to 17 of part VIII of the Local Government (Miscellaneous Provisions) Act 1982 apply within the Borough of Sefton.

Recommendation(s)

- (1) That the Licensing and Regulatory Committee notes the report
- (2) That the Council :
 - (i) Approves the adoption of the proposed new model byelaw set out in appendix B to this report; and
 - (ii) Resolves that the provisions of Sections 14 to 17 of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 apply within the Borough of Sefton.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being	√		
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Den		√	

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Reasons for the Recommendation:

To allow Officers to progress the introduction of new byelaws to keep pace with developments in the skin piercing industry.

What will it cost and how will it be financed?

(A) Revenue Costs.

To recover costs there is a one -off fee for registration (Section 15(6) 1982 Act enables local authorities to charge reasonable fees for registration of persons carrying on businesses of cosmetic piercing or semi-permanent skin colouring). The fee covers initial inspection(s) associated with registration, advising the business about registration and associated administration.

(B) Capital Costs

Not applicable

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	The Head of Corporate Legal Services has been consulted and comments have been incorporated into the report (LD 1582)
Finance	The Head of Finance and ICT has been consulted (FD 2266) and notes costs incurred are likely to be recovered by fees for registration. As a result there are no direct financial implications
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

What consultations have taken place on the proposals and when?

None

Are there any other options available for consideration?

No

Implementation Date for the Decision – Immediately following the decision of Council.

Contact Officer: Terry Wood, Environmental Health (Commercial) Manager
Tel: 0151 934 4301
Email: terry.wood@sefton.gov.uk

1. Background

- 1.1 The Council has existing byelaws relating to acupuncture, ear piercing and electrolysis and tattooing, which were made individually on 12th March 1991 under powers contained in the Local Government (Miscellaneous Provisions) Act 1982. Whilst these byelaws were adequate at the time of adoption, they do not cover some of the high risk techniques now in use.
- 1.2 Over time, the industry has developed, and new advanced types of treatment have been introduced. The current byelaw is now limited in effect, as it does not adequately control some beauty therapy treatments, which did not exist when the original byelaw was first established. For example, the existing byelaw covers ear piercing but does not cover body piercing, which is an activity that presents a greater risk of infection if not carried out correctly.
- 1.3 The Department of Health has now published updated model byelaws which aim to secure the cleanliness of:-
 - Premises and fittings in beauty treatment premises;
 - Persons and persons assisting them; and
 - Instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis.
- 1.4 If the Council was to adopt these model byelaws, then they would provide clean and consistent modern day standards for the beauty therapy industry and would provide the necessary controls to allow enforcement officers to take action against non-compliant businesses.
- 1.5 Under the new byelaws, businesses which carry out electrolysis, acupuncture, tattooing, cosmetic piercing and micro-pigmentation would have to:
 - Register with Sefton Council; and
 - Follow the byelaws on the cleanliness and hygiene of practitioners, premises and equipment to protect customers against the risk of infection.
- 1.6 Therefore, it would be an offence to carry on such a business without being registered or to breach the requirements of the byelaw. Businesses currently registered for treatments would not need to re-register.
- 1.7 All Sefton businesses which would be affected will be contacted and provided with a fact sheet, which outlines what the new byelaw would mean to their business. A copy of this fact sheet is attached at Appendix A.

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2. PROCEDURAL STEPS

2.1 All byelaws must be confirmed by the relevant Secretary of State. The Government Department with responsibility for confirming this byelaw is the Department of Health. The steps which would be required include:-

Step 1 - Committee endorses the proposed byelaw

Step 2 - Council approves the model byelaw

Step 3 - The byelaw is formally sealed

Step 4 - The Council advertises the byelaw in a local newspaper and invites affected persons to make representations to the Secretary of State

Step 5 - The sealed byelaw is sent to the Secretary of State for confirmation

Step 6 - The Secretary of State decides whether to confirm the byelaw

Step 7 - The byelaw comes into force after one month following confirmation by Secretary of State.

2.2 The key point to note from the above process is that any new byelaw must be confirmed by the Secretary of State before it can take effect. No timescales are provided for the Secretary of State to consider the byelaw, but previous experience suggests that this process can take several months. If there appeared to be a delay in the matter being considered, then officers would contact the Secretary of State for clarification. The existing byelaw controls will remain in place until the new byelaw is approved.

3. THE NEW BYELAW

3.1 The proposed new byelaw is to be called the "Byelaws for Acupuncture, Tattooing, Semi Permanent Skin Colouring, Cosmetic Piercing and Electrolysis". The power for the Council to make new byelaws is contained in Part VIII of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Local Government Act 2003. The text of the proposed new byelaw is set out at Appendix B to this report.

Appendix A

FACT SHEET FOR BUSINESSES

New byelaws for cosmetic treatments

Why do we need new byelaws?

Sefton Council's existing byelaws date back to the 1990's. These were adopted to adequately control cleanliness in businesses carrying out ear piercing, tattooing, electrolysis and similar treatments. The byelaws are now over 20 years old and need to be updated to take into account new ways of working and new treatments. The Local Government Act 2003 gives local authorities powers to introduce such changes by adopting new model byelaws.

When will the new byelaws come into effect?

We are currently working towards adoption of the new byelaws and we will publicise when the new byelaws will come into effect

What are the proposed main changes?

The 2003 Act amends the original but now outdated 1982 Act to include cosmetic piercing and semi-permanent skin colouring business in addition to ear piercing, tattooing and electrolysis. This approach allows for new or other similar activities to be covered without the need for new byelaws in the future.

- Cosmetic piercing means puncturing or penetrating the skin of a client with pre-sterilised single-use needles and the insertion of pre-sterilized jewellery or other adornment into the opening. Ear piercing and cosmetic body piercing are now encompassed in one single term 'cosmetic piercing'.
- Micro pigmentation means the insertion of pigment into the dermal layer of the skin. This includes semi-permanent/ permanent make-up, such as lip and eye liner, body art and tattoos.

How will any changes to the byelaws affect me?

If you are a business that carries out any of the above treatments and are not currently registered, you will need to comply with any changes to the byelaws, including the improved hygiene standards. Details will be made available to you on adoption of the byelaws.

Will these byelaws make any difference?

Yes. The adoption of new model byelaws will help to improve health and hygiene standards in these businesses. The byelaws will apply to new cosmetic treatments not previously covered by byelaws. In essence, public safety will be served better by adopting these new byelaws.

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Do businesses have to re-register?

No, businesses/individuals and premises already registered for activities covered by section 15 of the 1982 Act current legislation (i.e. tattooing, ear piercing and electrolysis) do not have to re-register.

What happens if I do not register?

Section 120 of the Local Government Act 2003 essentially requires permanent skin colouring and cosmetic piercing businesses to register themselves and their premises with the local authority. Section 16 of the Act provides for offences and for non-custodial penalties (summary conviction and fine) for trading without local authority registration or breaching local authority byelaws.

Is there a fee for registration?

Yes, Section 15(6) 1982 Act enables local authorities to charge reasonable registration fees for registration of persons carrying on businesses of cosmetic piercing or semi-permanent skin colouring. The fee covers initial inspection(s) associated with registration, advising the business about registration and associated administration.

Registration is a one-off event and the fees will not be required annually. We will inform you of the fees upon the adoption of the new byelaws.

Where can I get more information about this?

You can contact Environment Service on:

Tel: 0845 140 0845

Fax: 0151 934 4272

Email: ETScontact@sefton.gov.uk

Appendix B

DRAFT SEFTON BYELAWS

FOR

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Sefton Metropolitan Borough Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;

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- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

- (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
- (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
- (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
- (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
- (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide—

- (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
- (ii) sufficient and safe gas points and electrical socket outlets;
- (iii) an adequate and constant supply of clean hot and cold water on the premises;

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- (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
- (b) shall provide—
 - (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to Tattooing, Acupuncture, Ear Piercing and Electrolysis that were all made by The Council of the Metropolitan Borough of Sefton on the **date to be inserted** and were confirmed by the Secretary of State for Social Services on the **date to be inserted**.

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COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing bylaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service
Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 only apply to acupuncture.

The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 do not apply to acupuncture.

The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) only apply to acupuncture.

The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) do not apply to acupuncture.

The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.

The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.

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The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) apply to tattooing and semi-permanent skin-colouring.

The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).

The provisions of paragraph 4(2) in relation to washing facilities apply to cosmetic piercing using only a hygienic piercing instrument.

The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist applies only to acupuncture (see section 14(8) of the Act).

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Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013

Subject: Licensing Controls relating to Street Trading and Pedlars

Report of: Director of Built Environment **Wards Affected:** All

Is this a Key Decision? No

Is it included in the Forward Plan?
No

Exempt/Confidential No

Purpose

To inform Members, as requested, of the licensing controls available in respect of Street Trading and Pedlars.

Recommendation(s)

That Members note this Report and its contents.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

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Reasons for the Recommendation:

To give Members an overview of the licensing controls available in respect of Street Trading and Pedlars.

What will it cost and how will it be financed?

(A) Revenue Costs

None.

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	.The Head of Corporate Legal Services (LD 1568) has been consulted and has no comments on the report	
Finance	The Head of Corporate Finance and ICT (FD2253) has been consulted and notes there are no direct financial implications arising from the report	
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

None arising from this Report.

What consultations have taken place on the proposals and when?

None.

Are there any other options available for consideration?

N/A

Implementation Date for the Decision

N/A

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Background Papers:

- The Local Government (Miscellaneous Provisions) Act 1976 and 1982.
- The Pedlar's Act 1871 and 1881.
- The County of Merseyside Act 1980.
- The Highways Act 1980.
- "Street Trading and Pedlary in Great Britain - A report of research into the application and perception of local authority controls and pedlar legislation" – 2009.

1. Background

1.1 At their Meeting on 11th March 2013 Members RESOLVED that:

The Director of Built Environment be requested to submit a report on licensing controls relating to street traders and pedlars, to a future meeting.

2. Overview

2.1 In legislation street traders are treated differently to pedlars. In England and Wales, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") requires that street traders apply for a licence to their local authority (where that authority has adopted the appropriate provisions) to trade in certain designated areas.

2.2 By contrast, Section 4 of the Pedlar's Act 1871 (as amended) ("the 1871 Act"), requires pedlars in England and Wales to apply for a certificate from the police in order to trade anywhere in the country.

3. Regulation of Street Trading

3.1 Street trading for the purposes of the 1982 Act is defined as "*the selling or exposing or offering for sale of any article (including a living thing) in a street.*" This means that the 1982 Act regulates street trading in respect of the sale of goods only and not services offered.

3.2 The 1982 Act contains an exemption so that trading by a certified pedlar acting as a pedlar does not constitute street trading. If pedlars move away from these trading activities into other methods of trading on the street (e.g. static trading from a stall) then they would be subject to any street trading controls the local authority has implemented under the 1982 Act (see 4. below for further information on pedlars).

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- 3.3 Certain types of trading are exempt from control under Paragraph 1(2) of Schedule 4 of the 1982 Act, either because they are regulated in some other way, or because no controls over them are considered to be necessary.
- 3.4 The following, therefore, are not considered as street trading for the purpose of the 1982 Act:
- Trading by a person acting as a pedlar with a pedlar's certificate granted under the 1871 Act;
 - Anything done in a market or fair, the right of which was acquired by virtue of a grant or established by virtue of an enactment order;
 - Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
 - Trading as a news vendor;
 - Trading which is (i) carried on at premises used as a petrol filling station; or (ii) is carried on at premises used as a shop adjoining premises so used and as part of the business of the shop;
 - Selling things, or offering, or exposing them for sale as a roundsman;
 - The use for trading, under Part VII(A) of the Highways Act 1980, of an object or structure placed on, in or over a highway;
 - The operation of facilities for recreation or refreshment under Part VII(A) of the Highways Act 1980;
 - The doing of anything authorised by regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.
- 3.5 The powers granted by the 1982 Act are adoptive – that is, a local authority must explicitly choose to adopt Schedule 4 in order to exercise these powers and must designate streets according to a stated rationale before licences and consents can be issued.
- 3.6 The resolution process, to formally adopt the street trading provisions, requires that consultation takes place with the police and the highway authorities, as well as advertising the notification of the intention to pass a resolution in the local press. Subsequently any responses to the notification must then be considered before any resolution to adopt the provisions is passed. Once passed that fact must be published for two weeks in a local newspaper at least 28 days before coming into force.
- 3.7 Those councils which formally adopt the powers can designate streets in their area as:
- Consent streets – where street trading is prohibited without prior local authority consent; such consent can be charged for and conditions related to locations, times and operating conditions can be attached. Consents are granted for a maximum of twelve months, and there is no right of appeal if revoked.
 - Licence streets – where trading is prohibited without a local authority licence. This category is similar to consent streets but with more conditions attached, and a greater presumption of renewal, as well as rights of appeal to magistrates in cases of refusal or revocation. As such, a licence can be seen as a more formal and ongoing permission to street trade than a consent.

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- Prohibited streets - where no street trading may take place.
- 3.8 A street trading licence or a street trading consent may not be granted to a person under the age of 17 years.
- 3.9 The local authority may refuse an application for a street trading licence on any of the following grounds:
- (a) That there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;
 - (b) That there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;
 - (c) That the applicant desires to trade on fewer days than the minimum number specified in any resolution made per paragraph 3.5 above;
 - (d) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (e) That the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to them for it or charges due to them for services rendered by them to him in his capacity as licence-holder;
 - (f) That the applicant has at any time been granted a street trading consent by the council and has persistently refused or neglected to pay fees due to them for it;
 - (g) That the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.
- 3.10 Under the 1982 Act, it is an offence to:
- Engage in street trading in a prohibited street;
 - Engage in street trading in a licence or consent street without being authorised to do so; or,
 - Contravene any of the principal terms of the street trading licence
- 3.11 Trading in prohibited streets, or in consent or licence streets without the necessary permission, are offences under the 1982 Act, carrying a maximum penalty of a 'level three fine'.
- 3.12 The last in-depth research into these matters was conducted in 2009 and resulted in the Report "*Street Trading and Pedlary in Great Britain - A report of research into the application and perception of local authority controls and pedlar legislation*" ("the Report").
- 3.13 The Report found that at that time, from a sample of 157 Local Authorities, three quarters had adopted some sort of street trading legislation.
- 3.14 However the Report noted that the incidence of non-adoption may well have been higher than reported by their survey as authorities *who had not adopted the powers were the least inclined to reply*.
- 3.15 It goes on that *such authorities also tended to record few noticeable incidences of illegal street trading or pedlars, either genuine (i.e. with a certificate and behaving*

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lawfully) or rogue (i.e. lacking a certificate and/or behaving illegally). One typical response was, 'It's not really a problem, if it was then we would have adopted the legislation already'.

4. Regulation of Pedlars

4.1 As indicated above, pedlars are exempt from street trading regulation. Police forces (rather than local authorities) are charged with vetting applications and issuing pedlars certificates. The 1871 Act originally enabled pedlars to trade only within the immediate area of the issuing police force; the Pedlars Act 1881 extended the right to trade to the whole of the Country.

4.2 Under Section 4 of the 1871 Act, no person may lawfully act as a pedlar without a pedlar's certificate granted by the police. Section 3 of the 1871 Act, which makes provision for the issue of certificates, defines a pedlar as:

...any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered, or selling or offering for sale his skill in handicraft.

4.3 The regulation of pedlars therefore differs significantly from that of street traders. Certified pedlars (under the provisions of the 1871 and 1881 Acts) are permitted to sell door-to-door and in the street anywhere in the Country, as long as they do not sell from a stall or other fixed location. A pedlar is therefore required to go to his customers.

4.4 Provided they are pedlaring in this way, they are exempt from local authority street trading controls and are able (and obliged) to roam around a town, in order to trade.

4.5 A person intending to trade as a pedlar must apply for a pedlar's certificate from the police and must meet the following criteria:

- He must have resided in the police area for the chief officer of police to whom he applies for the certificate for at least one month before his application;
- Be of good character (and in good faith intend to carry on the trade of a pedlar); and,
- Be above 17 years of age.

4.6 A person commits an offence if he acts as a pedlar without having obtained a certificate and is liable for on a first offence to a penalty not exceeding level 1 on the standard scale, and for any subsequent offence to a penalty not exceeding level 1 on the standard scale.

4.7 Any pedlar shall at all times, on demand, produce and show his certificate to any of the following persons:

- Any Justice of the Peace; or

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- Any constable or Officer of Police; or
- Any person to whom such pedlar offers his goods for sale; or
- Any person in whose private grounds or premises such pedlar is found.

4.8 The Report on these matters from 2009 stated that the scale of pedlary in Great Britain was relatively modest, with an estimated 3,000-4,500 pedlars being granted certificates to trade by police forces. They stated that at that time there was little evidence that certificated pedlars presented problems in city centres, nor were they generally in direct competition with shops or street traders.

5. Current situation within Sefton

5.1 The street trading provisions have never been formally adopted within Sefton and therefore street trading can take place in any area of the Borough, unless controlled by the highways legislation (because of obstruction of the highway) or food legislation (which requires a food business to register under food safety legislation and as such there is control on them for their hygiene but not where they trade).

5.2 The Council have adopted provisions under The County of Merseyside Act 1980 to designate a number of town centre streets and holiday areas as prohibited streets where trading is not allowed however this is limited in scope.

5.3 Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 allows a highway authority to make an order preventing persons selling anything on a highway (to prevent danger). This has been done within Sefton to control the parking of motor vehicles for sale on certain named streets within the Borough.

5.4 Section 147A of the Highways Act 1980 was brought in to prohibit hot food vans trading on or near trunk roads. It prohibits sales on or near a trunk road, typically in lay-bys. Councils do not need to do anything apart from enforcement. Section 137 can be used to prosecute a trader for obstruction of the highway (a person selling goods on the highway can be considered to be an obstruction). Under Section 115E, a Council can grant permission (i.e. highways amenity licence) to persons to use objects or structures in the highway, for the purpose of generating income. Within Sefton this procedure is used for events on the highway such as continental markets, Victorian festivals and Christmas events etc.

5.5 The Licensing Unit receives little or no complaints over either street trading matters or pedlars.

5.6 Any form of additional street trading control enacted would need enforcing to ensure that it was effective. That enforcement would need to be undertaken at the relevant times when trading was being undertaken i.e. evenings and weekends or during events. A system for the issue of licences or consents would have to be put in place which must include a policy and guidance on which areas and types of businesses including the number, which would be allowed. This would include a fee to be charged to the business for a licence or consent.

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- 5.7 There would obviously be set up costs for the Council in passing a resolution to adopt the Schedule, then there would be the costs of enacting the legislation, which requires the Council to designate which streets are subject to licence or consent (or even prohibited from any kind of street trading) and to publish notices of these designations. The Council are then obliged to consider representations from the public regarding any street designations they have made before they can be enacted. It is difficult to estimate the cost of these matters, but when considering the staff input necessary for the Council to: consider and pass a resolution; do the preparatory work relating to designation of streets; publish public notices; consider representations and address any issues raised; undertake the preparatory work for the scheme itself; and consider and approve applications, it is estimated that this cost could run into thousands of pounds.
- 5.8 Any fee is unlikely to cover the full cost of the administration and the enforcement of the scheme as there would be a relatively small number of traders who would apply to be given these licences or consents and the main areas of enforcement would therefore likely to be in preventing any unauthorised traders from trading and dealing with complaints concerning them.

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Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013

Subject: Provisions contained within the Scrap Metal Dealers Act 2013.

Report of: Director of Built Environment **Wards Affected:** All

Is this a Key Decision? No

Is it included in the Forward Plan?
No

Exempt/Confidential No

Purpose/Summary

To inform Members regarding the provisions contained within the Scrap Metal Dealers Act 2013.

Recommendation(s)

That Members:

- i) note this Report and its contents;
- ii) note that further Reports will be brought forward to up date Members once further Regulations have been issued by the Secretary Of State.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

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Reasons for the Recommendation:

To give Members an overview of the provisions contained within the Scrap Metal Dealers Act 2013.

What will it cost and how will it be financed?

(A) Revenue Costs

Any costs arising from the proposals contained within the Act will be met from within the proposed regime's licensing fees.

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	The Head of Corporate Legal Services (LD1568/13) has been consulted and any comments have been incorporated into the report.	
Finance	The Head of Finance and ICT (FD2252) has been consulted and notes the Act proposes fees <ul style="list-style-type: none">• will be set locally by each local authority on a cost recovery basis, (with a regard to guidance issued by the Secretary of State outlining the issues when setting the fee and activities the fee can cover)• provide local authorities with the funding they need to administer the regime and to ensure compliance.	
Human Resources	None	
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

It is currently not known how the provisions will impact on the other work of the Unit.

What consultations have taken place on the proposals and when?

None.

Are there any other options available for consideration?

N/A

Implementation Date for the Decision

N/A

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Background Papers:

- The Scrap Metal Dealers Act 2013.
- The Scrap Metal Dealers Act 1964.
- The Environmental Protection Act 1990.
- The Vehicle (Crime) Act 2001.
- The Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- Report to Licensing and Regulatory Committee, 24th September 2012 – *Provisions contained within the Scrap Metal Dealers Bill 2012.*

1. Background

- 1.1 Members will recall that a previous Report was submitted to them on 24th September 2012 concerning the provisions contained within the Scrap Metal Dealers Bill 2012.
- 1.2 At that Meeting Members RESOLVED that:
 - (1) the report and its contents be noted; and
 - (2) the Director of Built Environment be requested to submit further update reports on the progress of the Scrap Metal Dealers Bill.
- 1.3 The Scrap Metal Dealers Act 2013 (“the Act”) received Royal Assent on 28th February 2013 and is expected to come fully into force from 1st October 2013.
- 1.4 The Act repeals the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act maintains local authorities as the principal regulator but gives them the power to better regulate these industries by allowing them to refuse to grant a licence to ‘unsuitable’ applicants and a power to revoke licences if the dealer becomes ‘unsuitable’.
- 1.5 The Act provides that an application for a licence must be accompanied by a fee. The fee will be set locally by each local authority on a cost recovery basis, but local authorities will have a duty to have regard to guidance issued by the Secretary of State which will outline the issues that should be considered by them when setting the fee and what activities the fee can cover. This fee will be an essential

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component of the new regime as it will provide local authorities with the funding they need to administer the regime and to ensure compliance.

- 1.6 The Act aims to raise trading standards across the scrap metal industry by requiring more detailed and accurate records of transactions to be kept. Scrap metal dealers will also be required to verify the identity of those selling metal to them.
- 1.7 The Act incorporates the separate regulatory scheme for motor salvage operators under the Vehicles (Crime) Act 2001 into this new regime. This is to replace the current overlapping regimes for the vehicle salvage and scrap metal industries with a single regulatory scheme. The Act also revises the definition of 'scrap metal dealer' and 'scrap metal' to ensure they reflect the twenty-first century scrap metal industry.

2. Summary of the Act

- 2.1 The Act defines a "scrap metal dealer" as *a person who is for the time being carrying on business as a scrap metal dealer, whether or not authorised by a licence.*
- 2.2 It further states that "scrap metal" includes:
 - (a) any old, waste or discarded metal or metallic material, and
 - (b) any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.
- 2.3 The following is not considered to be "scrap metal":
 - (a) gold,
 - (b) silver, and
 - (c) any alloy of which 2 per cent or more by weight is attributable to gold or silver.
- 2.4 Provisions allow for the Secretary of State by order to amend these definitions of "scrap metal" for the purposes of this Act.
- 2.5 Section 1 of the Act requires that a scrap metal dealer obtains a licence from the local authority in order to carry on business as a scrap metal dealer. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale.
- 2.6 Section 2 provides further detail in respect of the licence, including that there will be two types of licence, one for a site and the other for a mobile collector (for those carrying on business otherwise than at a site). A power is provided for the Secretary of State to prescribe the form and content of the licences in Regulations.
- 2.7 A site licence will be issued by the local authority in whose area a scrap metal site is situated and will require all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and

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a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.

- 2.8 A mobile collector's licence will authorise the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal. The licence does not permit the collector to collect from any other local authority area; a separate licence would need to be obtained from each local authority in whose area the individual wished to collect in. A licence also does not authorise the licensee to carry on a business at a site within any area - should a collector wish to use a fixed site, they would need to obtain a site licence from the relevant local authority. There is no restriction as to the location where the collector can transport and sell their metals.
- 2.9 A licence will be issued for a period of three years from the date of issue. The Secretary of State will have the power under paragraph 1(4) of the Act to alter the duration of the licence.
- 2.10 Section 3 requires that the licensing authority has to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In considering suitability, the local authority may have regard to any relevant information, including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence. The Secretary of State has a power to prescribe in regulations the meaning of relevant offence and relevant enforcement action. It is intended that this will be in line with the criteria used by the Environment Agency when issuing environmental permits under the Environmental Protection Act 1990. The authority must also have regard to any guidance on determining suitability which will be issued from time to time by the Secretary of State, and the authority may consult with other organisations to assist in determining suitability.
- 2.11 Section 3 also allows local authorities, when issuing a licence, to include conditions on it if the licensee or site manager has been convicted of a relevant offence. Subsection (8) specifies the two conditions that can be imposed by local authorities on a licence, namely:
- (a) that the dealer must not receive scrap metal except between 9 a.m. and 5 p.m. on any day;
 - (b) that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- 2.12 Section 4 provides the licensing authority with the discretion to revoke a licence on particular grounds, including where the local authority is no longer satisfied that the licensee is a suitable person to carry on the business as a scrap metal dealer. The revocation of a licence can only be carried out by a local authority as the licensing authority.
- 2.13 Section 4 also allows the licensing authority to vary a licence, imposing the conditions stipulated in 2.11 above, if the licensee or a site manager is convicted of a relevant offence.

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- 2.14 Section 6 places a duty on the local authority to supply any such information as requested relating to a scrap metal licence to any other local authority in England and Wales, the Environment Agency, the Natural Resources Body for Wales and to police forces.
- 2.15 Section 7 requires that a register of licences issued under the Act should be maintained by the Environment Agency in England and the Natural Resources Body for Wales in Wales. Local authorities will provide the appropriate information on all licences issued in their geographic areas in order that this register can be updated regularly. The register will be made openly accessible to the public and will include: the name of the authority which issued the licence; the name of the licensee; any trading name; the type of licence; the site(s) covered by the licence and the expiry date of the licence.
- 2.16 Section 10 requires that the licensee display a copy of their licence. For site operators this must be in a prominent place in an area accessible to the public. For mobile collectors, it must be in a manner which enables the licence to be easily read by a person outside the vehicle. A criminal offence is committed by any scrap metal dealer who fails to fulfil these requirements. This offence is punishable on summary conviction with a fine not exceeding level 3 on the standard scale.
- 2.17 Section 11 places a requirement on scrap metal dealers, site managers and employees who have been delegated the responsibility to do so, to verify the identity of the person they are receiving metal from and the person's address. This verification must be done by reference to data, documents or other information obtained from a reliable or independent source, such as the Identity and Passport Service, the Driver and Vehicle Licensing Agency, a bank or utility company etc. The Secretary of State will prescribe in regulations the data or documents which are sufficient, or not sufficient as the case may be, for verifying identity.
- 2.18 It will be an offence not to obtain and verify the seller's identity, punishable by a fine not exceeding level 3 on the standard scale. The offence will apply to the scrap metal dealer, the site manager and any person, who under arrangements made by either the scrap metal dealer or the site manager, has responsibility for fulfilling this requirement on behalf of the business.
- 2.19 Section 13 sets out the record-keeping requirements in respect of any scrap metal received by a scrap metal dealer in the course of their business. Information that is required to be recorded includes the type of metal being purchased; the time/date of the transaction; personal information on the seller; who is acting on behalf of the dealer and proof of the non-cash transaction. Failure to comply with the requirements of this section is an offence attracting a penalty up to level 5 on the standard scale.
- 2.20 The legislation places a shared enforcement responsibility for this new statutory duty on both Sefton Council and the Police.

Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013

Subject: Local Licensing: Performance Report 2012/13

Report of: Director of Built Environment **Wards Affected:** All

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Purpose/Summary

To report the progress against the 2012/13 Local Licensing Service Plan.

Recommendation(s)

That Licensing and Regulatory Committee:

- i) Notes this report; and
- ii) Requests similar reports on a biannual basis

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being	√		
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

In order that the Licensing & Regulatory Committee can have an overview of the work carried out by the Local Licensing Unit.

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What will it cost and how will it be financed?

(A) Revenue Costs

Costs are met from within the existing Local Licensing Budget.

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	The Head of Corporate Legal Services (LD1567/13) has been consulted and any comments have been incorporated into the report.
Finance	The Head of Finance and ICT (FD2251) has been consulted and notes the report indicates any costs will be met from within the existing Local Licensing Budget.
Human Resources	None
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Improved standards and greater customer focus.

What consultations have taken place on the proposals and when?

None.

Are there any other options available for consideration?

None.

Implementation Date for the Decision

Immediately following the Committee Meeting.

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Background Papers:

- Licensing Act 2003.
- Guidance issued under Section 182 of the Licensing Act 2003.
- Statement of Licensing Act Policy in force from 7th January 2011.
- Gambling Act 2005.
- Guidance issued under 25 of the Gambling Act 2005.
- Statement of Gambling Licensing Policy in force from 31st January 2013.
- *Outcome of the 12 month Borough-Wide trial Licensing Act notification scheme* – Report to Licensing and Regulatory Committee, 6th June 2011.
- *Changes to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011* – Report to Licensing and Regulatory Committee, 28th May 2012.

1. Details of licensing applications accepted for process

- 1.1 For the period 1st October 2012 to 31st March 2013 457 applications were accepted for process under the Licensing Act 2003 (“the LA03”), this representing a 7.3% decrease over the 493 applications received during the equivalent 6-month period for 2011/2012 (the full 12 months figures being 951, compared to 960 for 2011/2012, a decrease of 0.94%).
- 1.2 Under the Gambling Act 2005 (“the GA05”), 26 applications were accepted for process, this representing a 16.1% decrease over the 31 applications received during the equivalent 6-month period for 2011/2012 (the full 12 months figures being 54, compared to 73 for 2011/2012, a decrease of 26%).
- 1.3 With respect to general licensing applications (pet shops, animal boarding etc.), 90 applications were received, compared with the 71 received during the equivalent 6-month period for 2011/2012, this representing an 26.7% increase (the full 12 months figures being 124 compared to 123 for 2011/2012, an increase of 0.81%).

2. Advertisement of certain LA03 applications

- 2.1 In order to ensure that Grant and Variation applications are brought to residents’ / businesses’ attention, since 25th April 2012 (via legislation introduced into the LA03 by The Police Reform and Social Responsibility Act 2011) the Licensing Unit has been required to advertise these types of applications on the Council website (this is in addition to the existing provisions which were retained whereby the applicant has to advertise the application in a newspaper and on the premises).
- 2.2 In respect of Sefton these Notices can be found via a dedicated page on the Council website at <http://www.sefton.gov.uk/default.aspx?page=11697>.
- 2.3 During the relevant period there were 24 applications received which required such advertisement; these comprised of 17 Grant applications and 7 Variation applications (the full 12 months figures being 52 applications, 33 Grants and 19 Variations).

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3. Sefton's LA03 leafleting notification scheme

- 3.1 Members will recall that this scheme was formally adopted at their Meeting on 6th June 2011. Members will further recall that the scheme involves the Licensing Unit going over and above the advertising provisions of the LA03 by proactively informing those occupiers and owners of properties with curtilages abutting premises, who have made certain applications under the LA03, of the fact of that application.
- 3.2 For the period 1st October 2012 to 31st March 2013 there were 28 applications received which were caught by the scheme; these comprised 17 Grant applications, 7 Variation applications and 4 Review applications.
- 3.3 As a consequence Licensing Officers sent out a total of 333 notifications to residents / businesses; the average being 12 notifications sent per application.
- 3.4 The Licensing Unit received 4 telephone calls from residents / businesses as a direct result of this activity; the average being of 0.14 per application. These taking the form of requests for more information with regard to the terms and conditions of the application being made.

4. Reports submitted to Licensing Sub-Committee

- 4.1 During the relevant period 13 Reports were submitted by the Unit for consideration by the Licensing Sub-Committee, compared with 5 during the equivalent 6-month period for 2011/2012 this representing a 160% increase (the full 12 months figures being 24, compared to 9 for 2011/2012, an increase of 167%).

5. Details of Reviews held

- 5.1 During the relevant period 4 review applications were accepted, compared with 2 during the equivalent 6-month period for 2011/2012 this representing a 100% increase (the full 12 months figures being 5 accepted, compared with 4 for 2011/2012, an increase of 25%).

6. Details of LA03 Licences surrendered

- 6.1 Members will recall that at their Meeting on 19th November 2012 they RESOLVED that any future Performance Reports should "*provide details of surrendered Licences*".
- 6.2 For the period 1st October 2012 to 31st March 2013 9 Licences were surrendered, the same number as during the equivalent 6-month period for 2011/2012 (the full 12 months figures being 23, compared to 24 for 2011/2012, a decrease of 4%).

7. Programmed inspections

- 7.1 The guidance issued under Section 182 of the LA03 states that the "*principle of risk assessment and targeting should prevail and inspections should not be*

undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises”.

- 7.2 The guidance issued under Section 25 of the GA05 states at paragraph 36.37 that local authorities “*should adopt a risk-based approach when determining the frequency at which gambling premises are to be inspected*”.
- 7.3 In implementing both inspection regimes Sefton has adopted these recommended approaches.
- 7.4 The number of inspections contained within the Departmental Plan for 2012/2013 for the Licensing Unit is 100 inspections.
- 7.5 The following number of programmed inspections were undertaken between 1st October 2012 and 31st March 2013:

Inspection Regime	Number of inspections in period	Running total for year
Licensing Act 2003	50	53
Gambling Act 2005	17	21

- 7.6 During inspections, licensing officers carry out a proactive audit of the premise against its licensing conditions reviewing the suitability of the licence conditions against current use as well as reviewing any mandatory conditions imposed by the LA03 or the GA05 as applicable.
- 7.7 Officers also actively promote Council initiatives such as ‘Knock Back’ as well as the continued usage of the Council Door Supervisor Logbooks and the Designated Premise Supervisor delegation forms.
- 7.8 Of the 26 premises that were not inspected 6 closed and ceased trading during the relevant period leaving 20 premises that were not inspected. The shortfall being attributed to long term sickness during the previous relevant period and an increase in the number of service requests received during the latter part of the year.

8. Details of Service Requests received

- 8.1 During the relevant period the Unit received and dealt with 545 service requests. This representing a 20% increase over the 453 requests received during the equivalent 6-month period for 2011/2012 (the full 12 months figures being 970, compared to 962 for 2011/2012, an increase of 0.83%) of these 6 took the form of LA03 complaints and 1 concerned a general licensing complaint.
- 8.2 With regard to the ‘Knock Back’ scheme the Unit dealt with 31 queries and/or requests for packs to be sent out.
- 8.3 Of the remaining service requests 402 were requests to the section for LA03 guidance or advice, 40 were requests for GA05 guidance or advice with 65 being requests for general licensing guidance or advice.
- 8.4 All of the above matters have been attended to within the departmental timescales laid down for such matters.

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- 8.5 It is worth noting that service requests have increased year on year and this year continues that trend:

Licensing year	Number of service requests
01/04/12 – 31/03/13	970
01/04/11 – 31/03/12	962
01/04/10 – 31/03/11	926
01/04/09 – 31/03/10	825
01/04/08 – 31/03/09	501
01/04/07 – 31/03/08	379
01/04/06 – 31/03/07	266

Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013

Subject: Determinations made under the Licensing Act 2003 and the Gambling Act 2005: period covering 9th February 2013 to 17th May 2013

Report of: Director of Built Environment **Wards Affected:** All

Is this a Key Decision? No **Is it included in the Forward Plan?**
No

Exempt/Confidential No

Purpose/Summary

To update Members regarding those applications, made under the Licensing Act 2003 and the Gambling Act 2005, that have been determined by Officers.

Recommendation(s)

That Members:

- i) Note this Report and its contents; and,
- ii) Note that further Reports will be brought forward to up date Members as and when necessary.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

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Reasons for the Recommendation:

It is considered best practice that, where powers have been delegated to Officers, Licensing Committees should receive regular reports on decisions made by Officers in order that they may maintain an overview of the general licensing situation.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial costs associated with the proposals in this report

(B) Capital Costs

There are no financial costs associated with the proposals in this report

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	The Head of Corporate Legal Services (LD2301/13) has been consulted and has no comments to add.
Finance	The Head of Corporate Finance and ICT notes the contents of the report indicate no direct financial implications. (FD2301)
Human Resources	None.
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

None.

What consultations have taken place on the proposals and when?

None.

Are there any other options available for consideration?

N/A

Implementation Date for the Decision

N/A

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Background Papers:

- Licensing Act 2003.
- Guidance issued under Section 182 of the Licensing Act 2003.
- Gambling Act 2005.
- Guidance issued under Section 25 of the Gambling Act 2005.

1. Background

- 1.1 Members will recall that the Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling Licensing Policy (issued under the Gambling Act 2005) both follow the recommended delegation of functions contained within the Guidance issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005.
- 1.2 In effect this means that where there are no relevant representations to applications then these matters are dealt with by Officers. This ensures that decisions and functions, particularly for non-contentious applications and purely administrative functions, are taken or carried out in a speedy, efficient and cost-effective way.
- 1.3 It is considered best practice that, where powers have been delegated as above, Licensing Committees should receive regular reports on decisions made by Officers in order that they may maintain an overview of the general licensing situation.

2. Numbers determined – Licensing Act 2003

- 2.1 During the period 9th February 2013 to 17th May 2013 the following number of applications have been determined under this Act:

• Applications made under Premise Licences	107
• Applications made under Personal Licences	52
• Applications made under Club Premise Certificates	1
• Notification of Temporary Event Notices	57
• Notification of Late Temporary Event Notices	27

- 2.2. Details of determinations made under Premise Licences and Club Premise Certificates are attached within Annex 1 to this Report.

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3. Numbers determined – Gambling Act 2005

3.1 During the period 9th February 2013 to 17th May 2013 the following number of applications have been determined under this Act:

- Applications made under Gambling Premise Licences **4**
- Applications made under Family Entertainment Permits **1**
- Applications made under Licensed Premises Gaming Permits **1**
- Notifications given for Licensed Premises Automatic Gaming **5**

3.2. Details of the above determinations are attached within Annex 2 to this Report.

Annex 1

type	name	address2	address3	action	date
Premise Licence	The Richmond	234 Scarisbrick New Road	Southport	Variation	11/03
Premise Licence	Morrisons	Lord Street	Southport	Variation of DPS	12/03
Premise Licence	Thomas Valentinos	Heysham Road	Netherton	Transfer	12/03
Premise Licence	Daleys	12 Coronation Road	Crosby	Transfer	14/03
Premise Licence	Hungry Horse	6 The Waterfront, Promenade	Southport	Grant	14/03
Premise Licence	Churchtown Deli	82 Botanic Road	Southport	Change of Name and/or Address	19/03
Premise Licence	Fox And Goose	8 Cable Street	Southport	Variation of DPS	19/03
Premise Licence	Doric Public House	146 Rawson Road	Seaforth	Variation of DPS	20/03
Premise Licence	News Shop	25b Granams Croft	Netherton	Variation of DPS	20/03
Premise Licence	The Priory Public House	64 Sefton Road	Litherland	Variation of DPS	20/03
Premise Licence	Tushan	6 Hawthorne Road	Bootle	Minor Variation	20/03
Premise Licence	Asda	Derby Road	Southport	Minor Variation	25/03
Premise Licence	Old Ship Inn	43 Eastbank Street	Southport	Variation of DPS	25/03
Premise Licence	Formby Golf Club	Golf Road	Formby	Variation of DPS	26/03
Premise Licence	PRM News	185 Liverpool Road North	Maghull	Licence Holder Transfer & Variation of DPS	26/03
Premise Licence	Tesco Express	4 Preston New Road	Southport	Variation of DPS	26/03
Premise Licence	Bold Hotel	583-587 Lord Street	Southport	Transfer	27/03
Premise Licence	The Priory Public House	64 Sefton Road	Litherland	Variation of DPS	28/03
Premise Licence	Gazette News	17 Crosby Road North	Waterloo	Transfer	01/04
Premise Licence	Asda Supermarket	Orrell Lane	Bootle	Variation of DPS	05/04
Premise Licence	Drinx	3 Dover Road	Maghull	Licence Holder Transfer & Variation of DPS	06/04
Premise Licence	Gazette News	17 Crosby Road North	Waterloo	Variation of DPS	06/04
Premise Licence	Valentinos	Heysham Road	Netherton	Variation of DPS	06/04
Premise Licence	Marks And Spencer	283-289 Stanley Road	Bootle	Variation of DPS	07/04
Premise Licence	Royal Oak Hotel	16-20 Warrenhouse Road	Waterloo	Licence Holder Transfer & Variation of DPS	11/04
Premise Licence	Falstaff	68 King Street	Southport	Variation of DPS	12/04
Premise Licence	Temptations Cafe	62-64 St Johns Road	Waterloo	Grant	12/04
Premise Licence	Weld Blundell Arms	Scaffold Lane	Ince Blundell	Variation of DPS	12/04

Premise Licence	Sainsburys	Lord Street	Southport	Variation of DPS	13/03
Premise Licence	St John Stone Social Club	Sandbrook Way	Ainsdale	Variation of DPS	13/03
Premise Licence	Harvester	Unit 10 Aintree Racecourse Retail Park	Ormskirk Road	Variation of DPS	14/03
Premise Licence	Discount Booze	82 Stanley Road	Bootle	Variation of DPS	15/03
Premise Licence	Home Bargains	Unit 2c Meols Cop Retail Park	Foul Lane	Variation of DPS	18/03
Premise Licence	Super Saver	96-98 Linacre Lane	Bootle	Variation of DPS	19/03
Premise Licence	The Waterfront	6 The Waterfront, Promenade	Southport	Change of Name and/or Address	19/03
Premise Licence	The Alexandra	69 South Road	Waterloo	Minor Variation	20/03
Premise Licence	Marine Lake Cafe	Promenade	Southport	Transfer	20/03
Premise Licence	Marine Lake Cafe	Promenade	Southport	Variation of DPS	20/03
Premise Licence	The New Thatch	147 Norwood Road	Southport	Variation of DPS	20/03
Premise Licence	Tinkers	1-5 Lord Street	Southport	Removal of DPS	20/03
Premise Licence	The George	1 Moor Lane	Crosby	Variation of DPS	21/03
Premise Licence	Horse & Jockey	Waddicar Lane	Melling	Licence Holder Transfer & Variation of DPS	21/03
Premise Licence	Yates	Podium Level Units 1-3 Triad Buildings	Stanley Road, Bootle	Variation of DPS	21/03
Premise Licence	Discount Beers	156D Liverpool Road North	Maghull	Transfer	22/03
Premise Licence	Finos at The Waterfront	9 The Waterfront	The Promenade	Transfer	22/03
Premise Licence	Drinx	3 Dover Road	Maghull	Variation following Review	25/03
Premise Licence	The Gallery Bar & Grill	Halsall Lane	Formby	Variation of DPS	25/03
Premise Licence	Sainsburys	1 Liverpool Road	Crosby	Variation	25/03
Premise Licence	Leo's Bar	46 Nevill Street	Southport	Variation of DPS	26/03
Premise Licence	Cinnamon Bar and Lounge	13-17 Scarisbrick Avenue	Southport	Variation of DPS	27/03
Premise Licence	Scotch Piper Inn	Southport Road	Lydiate	Licence Holder Transfer & Variation of DPS	27/03
Premise Licence	Little Sam's Restaurant	73 Old Mill Lane	Formby	Removal of DPS	28/03
Premise Licence	Southport Holiday Centre	Shore Road	Ainsdale	Minor Variation	28/03
Premise Licence	Tushan	6 Hawthorne Road	Bootle	Minor Variation	28/03
Premise Licence	Morrisons	Lord Street	Southport	Minor Variation	02/04
Premise Licence	Red Rum Bar & Grill	2 Ormskirk Road	Aintree	Variation of DPS	03/04
Premise Licence	Bargain Booze	101 Liverpool Road South	Maghull	Variation of DPS	04/04

Premise Licence	Blue Anchor Inn	32 School Lane	Aintree	Variation of DPS	04/0
Premise Licence	Discount Booze	293 Hawthorne Road	Bootle	Transfer	04/0
Premise Licence	Jawbone Tavern	12 Litherland Road	Bootle	Variation of DPS	04/0
Premise Licence	Mayflower Hotel	11-12 New Strand The Palatine	Bootle	Licence Holder Transfer & Variation of DPS	04/0
Premise Licence	Nags Head Hotel	Green Lane	Thornton	Variation of DPS	04/0
Premise Licence	Thorouggoods	48/50 Seaforth Road	Seaforth	Variation of DPS	04/0
Premise Licence	Discount Booze	293 Hawthorne Road	Bootle	Variation of DPS	05/0
Premise Licence	Drinx	107 Deyes Lane	Maghull	Licence Holder Transfer & Variation of DPS	05/0
Premise Licence	Costcutter Post Office	159-161 Rawson Road	Seaforth	Variation of DPS	08/0
Premise Licence	Lydiat Convenience Store	38 Liverpool Road	Lydiat	Grant	08/0
Premise Licence	Spar	56 Harington Road	Formby	Variation of DPS	08/0
Premise Licence	The Waterfront	6 The Waterfront, Promenade	Southport	Variation of DPS	09/0
Premise Licence		26 South Road	Waterloo	Grant	10/0
Premise Licence	Hesketh Arms	Botanic Road	Southport	Variation of DPS	11/0
Premise Licence	The Alexandra & Victoria Hotel	38 Promenade	Southport	Variation of DPS	12/0
Premise Licence	Crosby Hotel	75 Liverpool Road	Crosby	Transfer	12/0
Premise Licence	Lansdowne Bistro 110	22 Anchor Street	Southport	Change of Name and/or Address	15/0
Premise Licence	Horse & Jockey	Waddicar Lane	Melling	Transfer	17/0
Premise Licence	Frankie & Benny's	Ormskirk Road	Aintree	Variation of DPS	18/0
Premise Licence	Frankie and Benny's	Ocean Plaza	Marine Drive	Variation of DPS	22/0
Club Premises Certificate	The Hightown Club	Thirlmere Road	Hightown	Grant	23/0
Premise Licence	The Sandgrunder	137-141 Lord Street	Southport	Variation of DPS	23/0
Premise Licence	Upsteps Hotel	20 Upper Aughton Road	Birkdale	Variation of DPS	23/0
Premise Licence	Formby Service Station	53-57 Liverpool Road	Formby	Change of Name and/or Address	24/0
Premise Licence	Oast House	12-14 Stanley Street	Southport	Variation of DPS	24/0
Premise Licence	Spar	146 Portland Street	Southport	Variation of DPS	24/0
Premise Licence	The Saltbox	83 Linacre Road	Litherland	Transfer	29/0
Premise Licence	Asda Store	81 Strand Road	Bootle	Minor Variation	30/0
Premise Licence	Asda Stores Ltd	Ormskirk Road	Aintree	Minor Variation	30/0
Premise Licence	Nisa Today	81-83 Park Lane	Netherton	Variation of DPS	30/0

Premise Licence	Eden Vale Hotel	Glovers Lane	Netherton	Variation of DPS	01/03/2017
Premise Licence	Super Saver	54-58 Hawthorne Road	Bootle	Variation of DPS	02/03/2017
Premise Licence	The Priory Public House	64 Sefton Road	Litherland	Variation of DPS	03/03/2017
Premise Licence	The Frank Hornby	Eastway	Maghull	Variation of DPS	07/03/2017
Premise Licence		45-47 Eastbank Street	Southport	Grant	08/03/2017
Premise Licence	Lidl	4-18 Virginia Street	Southport	Variation of DPS	09/03/2017
Premise Licence	Lidl Supermarket	Northway	Maghull	Variation of DPS	09/03/2017
Premise Licence	Cashens	91 Marsh Lane	Bootle	Variation of DPS	09/03/2017
Premise Licence	Cathay Garden	1 Leicester Street	Southport	Grant	11/03/2017
Premise Licence	Webleys	43 Linacre Lane	Bootle	Transfer	10/03/2017
Premise Licence	Lidl	Stanley Road	Bootle	Variation of DPS	13/03/2017
Premise Licence	Martin McColl	36 Fernhill Road	Bootle	Transfer	13/03/2017
Premise Licence	Ask	253-255 Lord Street	Southport	Change of Name and/or Address	14/03/2017
Premise Licence	Discount Booze	193 Linacre Road	Litherland	Variation of DPS	14/03/2017
Premise Licence	Pizza Express Restaurant	671 Lord Street	Southport	Variation of DPS	14/03/2017
Premise Licence	Martin McColl	36 Fernhill Road	Bootle	Variation	16/03/2017
Premise Licence	Blue Anchor Inn	32 School Lane	Aintree	Transfer	17/03/2017
Premise Licence	Cross House Inn	Cross Green	Formby	Variation	17/03/2017
Premise Licence	Meadows Hotel	89A Liverpool Road South	Maghull	Change of Name and/or Address	17/03/2017
Premise Licence	Nags Head Hotel	Green Lane	Thornton	Transfer	17/03/2017
Premise Licence	Netherton Hotel	Church Road	Litherland	Transfer	17/03/2017

Annex 2

type	name	address2	address3	action	date
Family Entertainment Centre	Golden Sovereign	39-41 Nevill Street	Southport	Variation	12/02/2013
Converted Casino	Genting Club Southport	Promenade	Southport	Variation	22/02/2013
Betting (other than a track)	Betfred	322 Stanley Road	Bootle	Transfer	27/02/2013
Licensed Premises Automatic Gaming	Royal Clifton Hotel	Promenade	Southport	Grant	04/03/2013
Licensed Premises Automatic Gaming	Scotch Piper Inn	Southport Road	Lydiate	Grant	15/03/2013
Adult Gaming Centre	Golden Sovereign (AGC)	41 Nevill Street	Southport	Grant	21/03/2013
Licensed Premises Automatic Gaming	The Park Hotel	Dunnings Bridge Road	Netherton	Grant	26/03/2013
Licensed Premises Automatic Gaming	Cinnamon Bar and Lounge	13-17 Scarisbrick Avenue	Southport	Grant	28/03/2013
FEC Gaming Machine Permit	Odeon Cinema Foyer Area	Dunnings Bridge Road	Netherton	Grant	03/04/2013
Licensed Premises Gaming Permit	Bold Arms	59-61 Botanic Road	Southport	Grant	18/04/2013
Licensed Premises Automatic Gaming	Hoghton Arms	2 Hoghton Street	Southport	Grant	15/05/2013

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