

APPENDIX A



**Licensing Compliance and Enforcement
Annual Report**

April 2019 to March 2021

Application for licence/consent

The Licensing Team deals with the application process and determination is made in line with the required legislation. This is followed by checks, visits and inspections to ensure that there is compliance with the relevant legislation and conditions relating to the licences, permits and notifications that are granted by the council.

The areas we are responsible for:-

- **Licensing** – People responsible for premises that hold any of the following activities are required to apply for the relevant licences under the Licensing Act 2003 - the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to a member of the club, the provision of regulated entertainment (plays, films, live music, recorded music, dancing, boxing and wrestling, indoor sporting events), the provision of late night refreshment (hot food or drink between 11pm and 5am). Applications are received for a Premises Licence, Club Premises Certificate or Temporary Event Notice and Personal Licence.
- **Taxis** – The council has a responsibility to licence vehicles, drivers and operators that provide a transport service (for up to eight passengers) for hire and reward. The relevant licences are: Hackney Carriage Vehicle, Hackney Carriage Driver, Private Hire Vehicle, Private Hire Driver and Operators.
- **Gambling** - The Gambling Commission is responsible for granting operating and personal licences to commercial gambling operators and people working in the industry. It will also regulate certain lottery managers and promoters.

Medway Council as a licensing authority issues premises licences (this includes casinos, bingo halls, adult gaming centres, family entertainment centres, race tracks and betting shops), permits (licensed premises gaming machine permits, club permits, prize gaming permits, notification of two or less machines); and lotteries (small society lotteries, incidental non-commercial lotteries, private lotteries and customer lotteries).

- **Sexual Entertainment Venues** - Premises licensed as a Sexual Entertainment Venue include Sex Shops, Sex Cinemas and Sex Entertainment Venues.
- **Charity Collections** - A permit is required by anyone collecting money or selling articles for charitable purposes in a public place and it is an offence to hold a collection without one. There are two types of permits – for House to House Collections and Street Collection. House to House collections typically involve door to door collections of money, clothes or bric-a-brac etc. from homes. Street Collections involve the collection of money for the benefit of charitable purposes in a street or public place.
- **Street Trading** - Anyone selling or offering for sale any item in a street within Medway needs a street trading consent. A Street for these purposes includes any road, footway, beach or other area to which the public has access without payment, including highway service areas. Medway Council has designated two types of street - Prohibited Street, where no street trading is allowed, and Consent Street, where no street trading is allowed without consent.

- **Scrap Metal Dealers** – Site Licences and Collector Licences are required by people/business who wish to trade in scrap metal.

Compliance and Enforcement Statistics

Licensing Act 2003

Visits are undertaken to licensed premises, either by way of a spot check, responding to a complaint received from a member of the public or as part of a joint operation with other responsible authorities and/or organisations, looking at specific types of premises, e.g. with the immigration team and/or food safety team to take-aways and restaurants.

Officers also work closely with the finance team in order to have the right information to hand when carrying out checks on payments of the premises licence annual fee. Visits are undertaken to explain to the licence holder that if they fail to pay the annual fee their licence must be suspended until such time as the payment has been made.

Taxis

Officers inspect Medway Hackney Carriage and Private Hire Vehicles by visiting ranks, schools, supermarkets and licensed premises during the day and at night. The most common issues we find are damage to the vehicle – failing to notify us of an accident, not displaying door signs, not displaying the plates correctly and dirty vehicles.

Officers have built up good partnership working with the other local authorities on our boundaries, especially Tonbridge and Malling and have carried out joint inspections in Medway. Any drivers licensed by Tonbridge and Malling working illegally in Medway (e.g. plying their trade as a hackney, picking up when hailed on the street) are reported to Tonbridge and Malling who take the necessary actions in line with their policies and procedures. Where we are able to provide full details of where the car has been trading illegally, make, model, plate number, time and place, drivers have been taken before their committee and either the licence suspended or revoked.

Gambling

The most common gambling offences are not having the correct permits for gaming machines, holding illegal lotteries mainly because of having rollovers, no controls on games such as bingo, poker and card games. These premises are highly regulated by the Gambling Commission, who are always on hand to provide advice or assist with joint visits to premises in Medway.

Sex Establishments

We only have two sex establishments in Medway; a sex shop in Chatham and a sexual entertainment venue (SEV) in Rochester. No complaints have been received in respect of either of these establishments and both licences are renewed on an annual basis.

Charity Collectors

Officers have been informed of instances in the past where fraudsters have used the name, logo and charity registration number of a genuine charity to appeal for donations and keep the profits. We require a letter from the relevant charity confirming the applicant is collecting on their behalf and with their authority before we will accept any application.

To ensure that donations reach those most in need, we have compiled some tips to help members of the public determine if they are bogus or not. If a collection is for a registered charity, legally this must be stated on any document advertising the collection on behalf of the charity. Genuine leaflets will usually provide a charity registration number. Most door to door collections will leave their bags at least two days before they collect any donations, allowing time to check the Charity Commission's online register of charities.

Street Trading and Scrap Metal

The compliance and enforcement of these areas are covered by the Environmental Enforcement team on licensing's behalf. This currently benefits our customers as officers are out and about in Medway all day every day and able to carry out spot checks on a regular basis and respond to customer complaints more quickly.

The Environmental Services Annual Enforcement report is at Appendix B.

Conclusion

The COVID-19 pandemic and resulting lockdowns and restrictions had a major impact on our intention to resume pro-active inspections and partnership working, which is a non-statutory function, following the Licensing data migration from Medway Council to Gravesham Borough Council and additional workload associated with setting up the shared service. Instead, visits were carried out on a re-active, intelligence led and risk-rated basis only after remote efforts were exhausted in accordance with Health and Safety Executive advice to protect the health and safety of our own employees and to ensure compliance with Government guidance.

We have now started to resume pro-active inspections and visits with partnership agencies. however, targets are no longer set for the number of visits to be completed in a year as this is a non-statutory function. Instead our focus is on the need for meaningful ongoing compliance and enforcement work and this will be conducted by way of programmed events.

A breakdown of the monthly figures for the years 2019/20 and 2020/21 are as follows:

