

Name of meeting: Licensing and Safety Committee

Date: 23rd November 2018

Title of report: Licensing Service – Update Report

Purpose of report

The purpose of this report is to inform Members of the activities undertaken to discharge the Council's licensing functions from 1 April 2018 to 31 October 2018

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by Strategic Director & name	
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston 15.11.18
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft 15.11.18
Cabinet member portfolio	Councillor Naheed Mather

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

1. Summary

This report provides Members of the Committee with an update on the activities undertaken by the Council's Licensing Service from 1 April 2018 to 31 October 2018.

2. Information required to take a decision

Licensing Act 2003

2.1 The Licensing Act 2003 is governed by four licensing objectives: -

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of children from harm

2.2 The number of premises licensed under the Act are set out in the table below

Type	As of 31/10/2018
Premises licensed for Alcohol	1125
Premises licensed for non-alcohol	273
Club Premises Certificates	193
Personal Licences	4831
Total	6422

2.3 The following table sets out the number of applications processed by the service: -

Application Type	No.
New	34
Full Variation	24
Minor Variation	14
Transfer	49
Review	3
Cancelled / Surrender	19
Total	143

2.4 The following applications have been considered by the Licensing Panel since 1 April 2018

Application Type	Premises	Outcome
New Premises Licence	SK24	Granted with additional conditions
New Premises Licence	Wisla Supermarket, John William Street	Granted

New Personal Licence	Mr Mohammed	Refused
Transfer Premises Licence	37 Westgate, Huddersfield	Refused
New premises Licence	Carding Shed, Unit 18 Washpit Mills, Holmfirth	Granted
New Premises Licence	Rising Sun Domino Club, 43 Market Street, Huddersfield	Granted, with additional conditions
New Premises Licence	The Shop, Ravensknowle Road, Moldgreen	Refused
New Premises Licence	Ink Spot Bars, 70 Acre Street, Lindley	Granted with additional conditions
Review of Premises Licence (following expedited review)	Tokyo, the Old Court House, Queen Street, Huddersfield	Licence to continue with amended conditions
Variation Premises Licence	Bargain Booze, 51 – 53 Market Street, Milnsbridge	Refused
Review of Premises Licence	Premises in Huddersfield (held in private due to ongoing police investigation)	Licence revoked
New Premises Licence	Cross Bank Methodist Cricket Club, Lea Road, Batley	Granted
New Premises Licence	Woodlands Mill, Like Lane, Thongsbridge, Holmfirth	Granted with additional conditions

2.5 In 2019, the service will commence the process of reviewing the Council's 'Statement of Licensing Policy'; with this review having to take place every five years. The Councils current policy commenced in January 2015 and will continue until 31 December 2019.

Gambling Act 2005

2.6 The Gambling Act 2005 is governed by three licensing objectives: -

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.7 Applications under this legislation continue to be small in number, and current licences / permissions in force are as follows: -

Type	No.
Casino	2
Bingo	3
Adult Gaming Centres	11

Betting Premises (Non Track)	40
Betting Premises (Track)	2
Family Entertainment Centres	3
Club Gaming Permits	35
Club Machine Permits	48
Licensed Premises – Gaming Machine Permits	22
Licensed Premises – Notification of 2 machines	335
Small Society Lotteries	213
Total	714

- 2.7 This year has seen the Council review it's 'Statement of Licensing Policy (Gambling)', which it is required to do every three years.

Consultation on a revised policy has taken place, and the results of that consultation will be presented to Members of this Committee in a separate item on today's agenda.

For the first time, the Council has introduced a 'Local Area Profile', details of which will be provided as part of the agenda for the Gambling Policy.

- 2.8 Officers have taken part in a number of multi-agency operations on licensed premises, which has seen licensing officers working alongside the Police, Immigration, Trading Standards and Environmental Health with the operations targeting known problem premises. The results of these operations have seen a premises licence being revoked, and a further licence being placed before the Licensing Panel for review in November 2018.
- 2.9 Officers have also taken part in two joint operations with licensing officers from Leeds Council, targeting Kirklees vehicles working in the Leeds area. Officers are planning further operations with York Council as part of the West Yorkshire Combined Authority Cross Border Enforcement project.

Hackney Carriage & Private Hire

- 2.9 The overriding aim of the licensing service, when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.

The legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. This process involves a detailed examination in order to make a judgment as to the fitness and propriety of an applicant. If an applicant cannot satisfy the Licensing Authority they are a fit and proper person then legislation dictates a licence must not be granted.

These are the principles that guide officers when making decisions in relation to applications for hackney carriage and private hire licences.

- 2.10 The number of hackney carriage and private hire licences in force is set out in the table below: -

Type	As of 31/10/2018
Hackney Carriage Vehicles	222
Dual Drivers Licence	2950
Private Hire Operators	132
Private Hire Vehicles	2031
Total	5335

2.11 The following table sets out the number of applications processed by the service since 1 April 2018: -

Licence Type	Application Type	No.
Hackney Carriage Vehicle	Renewal	111
	Suspension	8
Dual Drivers Licence	New	128
	Renewal	1718
	Suspension	31
	Revocation	3
Private Hire Operator	New	19
	Renewal	59
	Cancelled / Surrendered	7
Private Hire Vehicle	New	288
	Renewal	930
	Suspension	121
Total		3423

2.12 As Members will be aware, officers, along with colleagues from the West Yorkshire Combined Authority (inc. York) have been working together on the harmonisation of certain policies in respect of the licensing of the hackney carriage and private hire trades.

2.13 Consultation has recently opened on two of those policies, the results of which will be brought before a future meeting of the Licensing and Safety Committee: -

- Determining the Suitability of Applicants & Licensees as Drivers in Taxi & Private Hire Licensing Policy (Conviction Policy); and
- Driver Training Policy

2.14 In addition to the above, the licensing service are consulting on a separate 'overarching' policy relating to the Hackney Carriage and Private Hire trades within Kirklees. This policy draws together a number of separate policies into one easy to access and understand document. The results of this consultation will be brought before a future meeting of the Licensing and Safety Committee.

- 2.15 Officers, in conjunction with the Chair of the Licensing and Safety Committee, continue to work with the hackney carriage and private hire trades to ensure effective communication and consultation takes place.
- 2.16 As a result of this work, changes have been made to the appointment system for the licensing of vehicles. As a result of the changes the appointments have been reduced from three, to two, with vehicle owners now booking their vehicle tests directly with the Council's testing stations as opposed to the booking being made by licensing staff.
- 2.17 This change in process has seen a reduction in the waiting time for appointments at the Council Contact Centre, reducing the waiting time from what was three weeks, to being able to get an appointment within a couple of days.
- 2.18 Officers will continue to look at other processes relating to the licensing of hackney carriage and private hire trades, and where processes can be amended to make them more streamlined, amendments will be made, but not where it affects the safety of the public.
- 2.19 Officers continue to work with partnering agencies and have carried out seven roadside checks of licensed vehicles in conjunction with the Police and Vehicle Operator Services Agency. These checks have resulted in a number of vehicles being suspended for defects.

Other Licence Types

- 2.20 As well as the main functions outlined previously in this report the licensing service also administers and enforces a wide range of other licences, registrations and permits current numbers of some of which are outlined below:-

Licence type	Number in Force
A'Boards	54
Sex shops	3
Scrap metal sites	29
Scrap metal collectors	15
Street trading consents/licences	11
Pavement café licences	12
Leaflet distribution	27
Goods on the Highway	8

Staffing

- 2.21 The service has seen a number of staffing changes this year, with a new Operations Manager within Public Protection, Group Leader for Licensing coming into post, and a new Senior Licensing Officer.
- 2.22 The service has lost a number of experienced business support staff this year, which impacted the service immensely. However, recruitment has taken place and the service will have a full complement of business support staff by the end of this calendar year.
- 2.22 The service will shortly be recruiting for an additional 2.5 licensing officers, and then two assistant licensing officers. This recruitment will enable the service to move to a

more proactive enforcement model, which is currently predominately reactive. It will enable to service to inspect premises and licence holders to ensure they are complying with the conditions associated with their licences.

Legal Update

Statutory Guidance

2.23 In April 2018 the Government issued new statutory guidance under the Licensing Act 2003. This document is a valuable source of information to regulators and licence holders in how to interpret the Act.

Gambling

2.24 The Government announced the outcome of the consultation on the future stakes for fixed odd betting terminals. This resulted in the maximum stake being reduced from £100 to £2. However, proposals at present state the implementation of the lower maximum stake will not come into effect until effect until April 2019. Wasn't there an announcement yesterday?]The Government said the delay was to give the gambling industry more time to adjust to the changes.

Department for Transport – Task and Finish Group

2.25 In September 2017 the Transport Minister requested a working party be convened to review the current regulatory regime for taxis and private hire as he did not consider it fit for purpose.

A working party was convened and was chaired by Professor Mohammed Abdel-Haq from the University of Bolton. Other members of the group included trade representatives of trade groups, the Local Government Association, Transport for London, Suzy Lamplugh Trust, two Members of Parliament and the Competition and Markets Authority. Oral and written evidence was also considered.

The working party's report was published in September 2018 with thirty four recommendations being made; these include the following: -

- An urgent revision of existing legislation is required;
- There should be national minimum standards for drivers, vehicles and operators;
- Updated Government guidance should be issued
- Metro Mayors should emulate the model of licensing in London by combining authorities into one licensing area;
- Power to cap the numbers of licences to meet local need for taxis and PHVs;
- Fixed penalty notices to be introduced for minor licensing offences;
- All licensed vehicles should be fitted with CCTV
- Mandate the use of a central national database; and
- Review the evidence for restricting the hours licensed drivers can work similar to bus and lorry drivers.

All those involved in the licensing of the hackney carriage and private hire trades await the Ministers response to the report.

2.26 Staying with the Department of Transport, the DfT has recently published its 2018 taxi and private hire statistics. Which show the total number of licensed taxi and private hire vehicles and licensed drivers in England reached record levels in 2018. There are now a total of 285,400 licensed taxi and private hire vehicles in England, up 1.7% from last year. Meaning that on average, there were 5.1 licensed taxi and private hire vehicles per 1,000 people in England whereas in London there were 12.3 licensed vehicles per 1,000 people.

HMRC

2.27 The HMRC is set to announce plans to introduce mandatory tax registration, for certain licence types, in a bid to tackle the hidden economy and make it a more level playing field for businesses. The Chancellor announced in the recent Budget, that the government would consider bringing this change in as part of the Finance Bill 2019. Licence types affected by the proposals will include:-

- SIA
- Scrap metal dealers
- Taxi/PH driver and operators
- HMOs
- Street/market trading
- Massage and special treatment premises licences

The Committee will be updated once a commencement date and further information is available.

2 **Implications for the Council**

3.1 **Early Intervention and Prevention (EIP)**

N/A

3.2 **Economic Resilience (ER)**

N/A

3.3 **Improving Outcomes for Children**

N/A

3.4 **Reducing demand of services**

N/A

3.5 **Other (eg Legal/Financial or Human Resources)**

N/A

4. **Consultees and their opinions**

None – Information report only

5. **Next steps**

None – Information report only

6. **Officer recommendations and reasons**

Members are asked to note the report.

7. **Cabinet portfolio holder's recommendations**

N/A

8. **Contact officer**

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9. **Background Papers and History of Decisions**

N/A

10. **Service Director responsible**

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