

Name of meeting: Licensing and Safety Committee

Date: 17th December 2020

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 1st April 2020 to 31st September 2020

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?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Colin Parr – 07.12.2020
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 07.12.2020
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 07.12.2020
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes – any personal data has been redacted for the purposes of this report.

1. Summary

1.1 This report provides Members of the Licensing and Safety Committee with an update on the activities undertaken by the Council's Licensing Service from 1st April 2020 to 30th September 2020

2. Activity Undertaken

Hackney Carriage & Private Hire

2.1 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.

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

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

2.4 The activities undertaken by the licensing services in relation to the private hire and hackney carriage trades has to be looked at in the context of the current pandemic. On the 24th March 2020, in view of Government guidance and the Councils wider response to the pandemic the service took the difficult decision to close its front facing counters at the Customer Service Centre in Huddersfield and activate its business continuity plan. This action had significant implications on all licence types but in particular the private hire and hackney carriage trades, as well as for officers.

2.5 Within two days of the decision being made to close the counters, processes had been changed, website updated, and instructions sent to licence holders on how they could submit their applications electronically. In addition to this, licensing business support officers contacted approx. 200 licence holders who had appointments booked, in the two week period following the closure of the counters, to provide one on one advice on how they could submit their applications electronically.

2.6 In addition to changes in processes, like the many other teams within the Council, licensing staff had to adapt to working from home, which brought its own challenges and pressures. The whole licensing team, but in particular the services business support officers, have gone over and above to ensure the trade can continue to work and that the travelling public are protected. They have provided newsletters, spoken to and guided licence holders on an individual basis on how to submit their applications and the processes they need to follow.

2.7 Despite teething troubles, the service and the trade have adapted well, and in the main moving to electronic submission of applications has gone well; and as a service we are grateful to the hackney carriage and private hire trades for their patience, understanding and more importantly their continued support.

2.8 Despite the challenges the service has continued to operate close to business as usual as possible, the service has been able to –

- Continue to process and issues renewals of driver, vehicle and operators' licences,
- Continue to carry out checks with the disclosure and barring service on licence holders,
- Work with colleagues in fleet services to ensure vehicles can still be tested to ensure they are safe to carry passengers,
- Communicate changes via the licensing webpages and newsletters.
- Investigate complaints,
- Carry out enforcement,

2.9 Inevitably though, given the significant restrictions in place, the service has had to make some changes, for example -

- Ceasing application for new driver and vehicle licences

Due to the NHS not being able to offer driver medicals, the Council not being able to undertake driver training, and having to reduce unnecessary contact, the service was no longer in a position to accept applications for new licences.

However, for vehicle licences exceptions were made for replacement vehicles where accidents had occurred.

- Due to IT limitations, the service was and still is not able to produce vehicle identification plates or driver badges. Instead drivers have been asked to keep their existing plates and badges and an electronic version of a licence and covering letter to produce on request.

The service accepts this is not sustainable in the long term and alternative means of issuing ID badges and vehicle identification plates, in a Covid secure manner, have now been identified and will be rolled out in the coming weeks.

2.10 The service has also had to balance its duties to protect the public against enabling the trade to remain licensed and able to work and generate a level of income. As a result, and under delegated authority, the following changes were / have been made to existing policies and procedures to assist the trade -

- Driver medical due upon renewal

Due to the NHS not being able to undertake driver medicals, a change in policy and procedure was implemented to allow existing drivers, with no pre-existing medical conditions, to sign a self-declaration as to their medical status.

- Vehicle age limits

To reduce the need for driver to purchase new vehicle, vehicles reaching the upper age limit of 10 / 12 years of age are being allowed to renew that licence for a further 12-months. This applies to all vehicles reaching the upper age limit up to the 31st March 2021.

- Accepting of applications without a fee

Due to financial difficulties, fear of the virus itself, or because a licence holder has been unable to drive, the service have adapted their method of accepting renewal applications so as to protect the rights of the licence holder and their livelihood.

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

Type	No.
Hackney Carriage Vehicles	224
Dual Drivers Licence	2896
Private Hire Operators	147
Private Hire Vehicles	1988
Total	5255

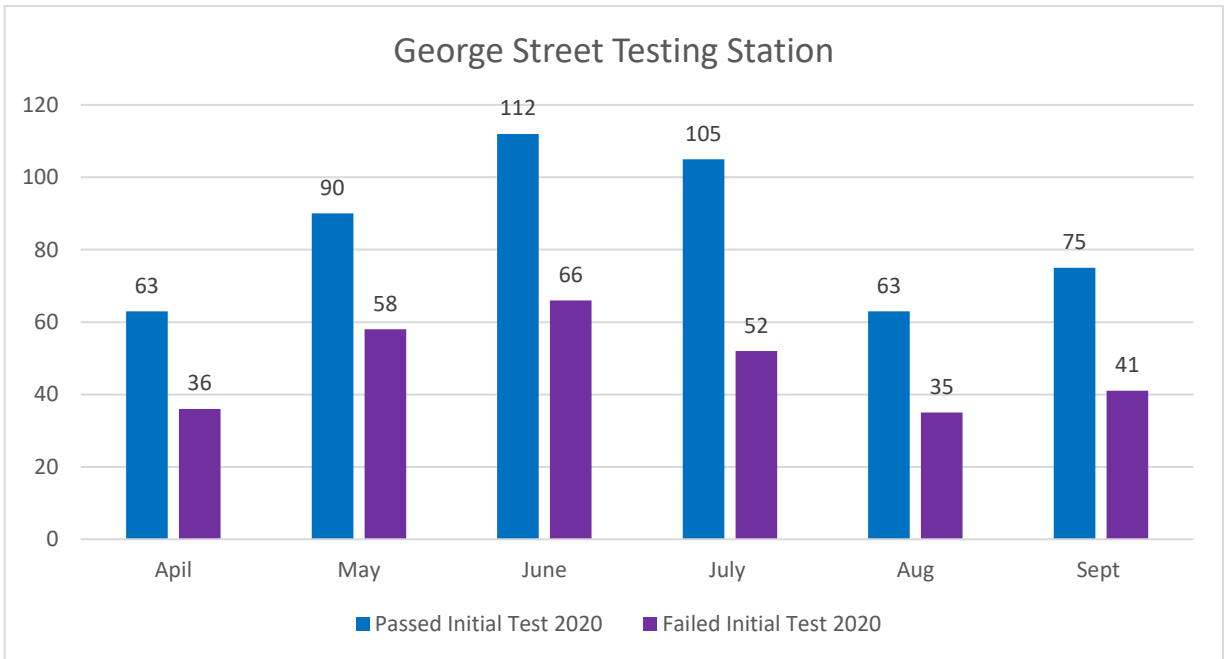
2.12 Despite the pandemic, the licensing team have continued to process applications for taxi licences. The following table sets out the number of private hire / hackney carriage applications processed by the service between 1 April 2020 and 30 September 2020, with the second column covering the same period from 2019 -

Licence Type	Application Type	2020	2019
Hackney Carriage Vehicle	Renewal	88	95
Dual Drivers Licence	New	4	225
	Renewal	886	1076
Private Hire Operator	New	7	8
	Renewal	36	40
Private Hire Vehicle	New	102	236
	Renewal	882	876
Total		2005	2556

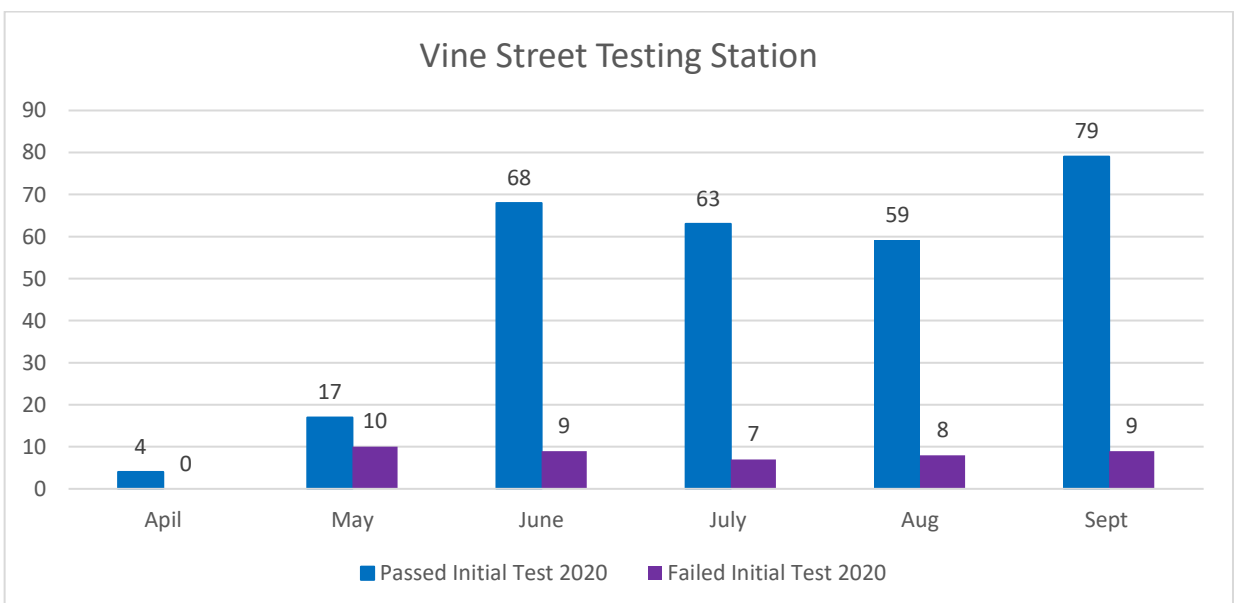
2.13 In relation to vehicle testing, Fleet Services have been able to continue to undertake private hire and hackney carriage vehicle compliance tests during the pandemic, ensuring vehicles are safe for the travelling public, with 1129 vehicle being tested. The following tables provide details of those test –

George Street Testing Station						
	April	May	June	July	Aug	Sept
Number of Tests	99	148	178	157	98	116
Passed Initial Test 2020	63	90	112	105	63	75

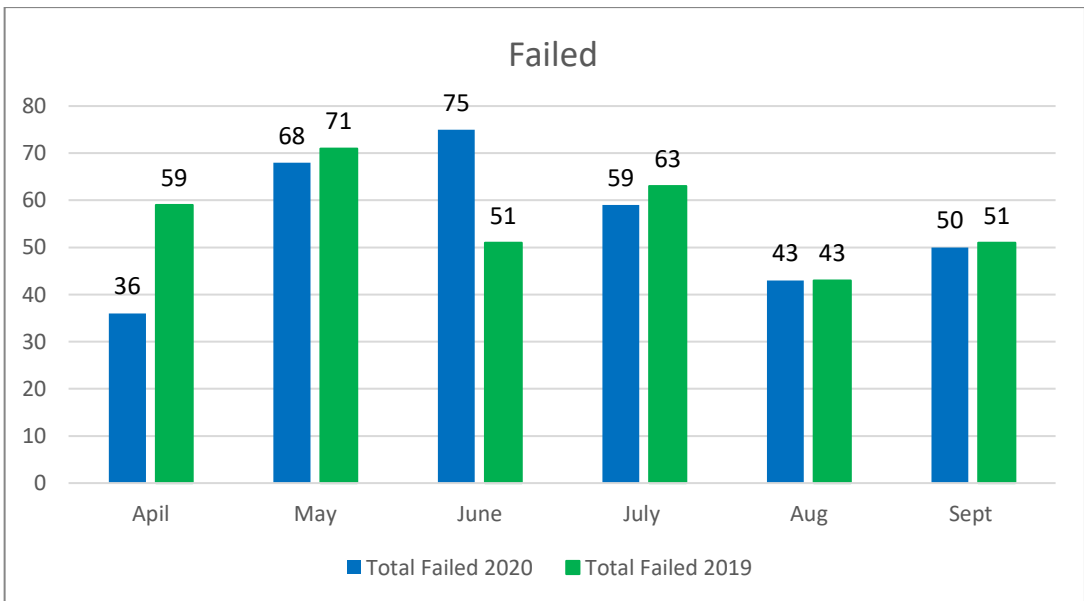
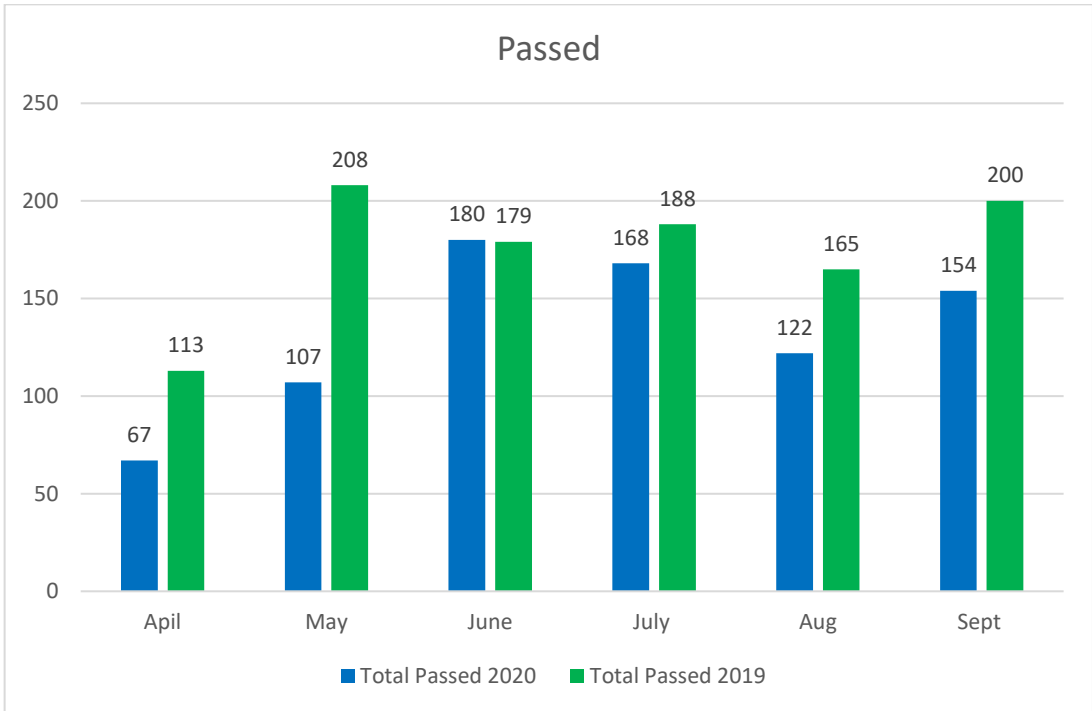
Failed Initial Test 2020	36	58	66	52	35	41
% Passed	64%	61%	63%	67%	64%	65%
% Failed	36%	39%	37%	33%	36%	35%



Vine Street Testing Station						
	April	May	June	July	Aug	Sept
Number of Tests	4	27	77	70	67	88
Passed Initial Test 2020	4	17	68	63	59	79
Failed Initial Test 2020	0	10	9	7	8	9
% Passed	100%	63%	88%	90%	88%	90%
% Failed	0%	37%	12%	10%	12%	10%



Vine Street & George Street Combined						
	April	May	June	July	Aug	Sept
Total No. Tests	103	175	255	227	165	204
Total Passed 2020	67	107	180	168	122	154
Total Failed 2020	36	68	75	59	43	50
Total % Passed	65%	61%	71%	74%	74%	75%
Total % Failed	35%	39%	29%	26%	26%	25%



Licensing Act 2003

2.14 It is a well-known fact that the coronavirus outbreak has had a crippling effect on businesses across the breadth of the Country. However, one of the hardest hit sectors has been, and continues to be the hospitality industry.

2.15 Kirklees has approx. 1600 premises licensed under the Licensing Act 2003, covering members clubs, the night-time economy right through to your local convenience store, with the biggest impact being felt by pubs, clubs, restaurants and destination venues.

2.16 It was thought the re-opening of the hospitality industry in July 2020, would see a resurgence of people visiting premises. However, given the tight restrictions under which premises were able to open, it was impossible for licensed premises to operate anywhere near the same capacity as pre-covid. Compounding matters was the reduction in income of consumers and large swathes of people having to cope with and prioritise finances while on furlough.

2.17 Cllr Pinnock and I witnessed the impact first-hand when we undertook visits to hospitality venues during the evening of the 3 October 2020. It was clear to see from the premises visited that business owners were trying their best to adapt and comply with the restrictions, so to be able to open. However, it was also plainly clear that operating under the restrictions was having a significant detrimental impact on their ability to generate income.

2.18 However, despite the pandemic, the service has continued to see applications for new premises licences be submitted but has also seen the number of notices for temporary events be drastically reduced. The following table sets out the number of applications processed by the service during the time period being reported, the second column is the equivalent for the same period in 2019 -

Application Type	2020	2019
New	25	39
Full Variation	6	3
Minor Variation	6	9
Transfer	33	47
Review	1	10
Temporary Event Notices	37	435
Total	108	543

2.19 The following applications have been considered by the Licensing Panel during the period being reported on -

Application Type	Premises	Outcome
New	Dubai Stores, Willow Lane	Granted
Review	Rose and Crown, Slaithwaite	Licence suspended
New	Ravensthorpe Off Licence, Huddersfield Road	Granted

2.20 Upon release of new legislation relating to pavement café licences, the service, in a short period of time, established new processes and procedures to be able to accept applications under the new legislation, and issue licences within the short timescales dictated by that legislation. This involved licensing officers working closely with internal and external partners including the Business Improvement District.

2.21 Licensing along with colleagues in Environmental Health continue to work with premises to provide advice and guidance on complying with ever changing regulations. In addition, pro-active joint visits have taken place between Licensing, Environmental Health and the police to again advise businesses but also monitor compliance.

2.22 Officers from Public Protection as a whole have worked tirelessly to keep businesses up-to-date on the changes to regulations and in support of that have hosted webinars, issued regular guidance letters, visited premises and circulated beer mats with key message on.

3. Implications for the Council

3.1 Working with People

One of the Licensing Service key priorities is to ensure there is a raising of standards across the private hire and hackney carriage trades in order to protect the travelling public; and ensure people across West Yorkshire are transported safely and protected from harm; and that people in Kirklees experience a high quality, clean, sustainable and green environment, as well as improve the customer experience

3.2 Working with Partners

In developing its policies, the licensing services works with a number of partners, including, Kirklees Safe Guarding Children's Board, West Yorkshire Police, Public Health, Environmental Health, Overview and Scrutiny Committee, Community Safety Partnership and other West Yorkshire Authorities (inc York).

3.3 Place Based Working

There is no specific impact in the context of this report.

3.4 Climate Change and Air Quality

There is no specific impact in the context of this paper.

3.5 Improving outcomes for children

The Council wants to ensure children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children travelling in licensed vehicles and in particular for the purposes of school transport

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

Legal

The principal legislation is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the Department for Transport "Taxi and Private Hire Licensing Best Practice Guide" paragraph 8 which states: "The aim of local authority licensing of the taxi and Private Hire Vehicle (PHV) trades is to protect the public."

Taxi and Private hire vehicle licensing in England and Wales is undertaken by licensing authorities, which have the responsibility for ensuring that the public travel in safe, well maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the taxi and private hire vehicle trade. Council's following best practice will meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistent and robust in decision making.

4. Next steps and timelines

4.1 Not applicable – Information report only.

5. Officer recommendations and reasons

5.1 Members are asked to note the report.

6. Cabinet Portfolio Holder's recommendations

Not applicable

7. Contact officer

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8. Background Papers and History of Decisions

Not applicable

9. Service Director responsible

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