



Name of meeting: Licensing and Safety Committee

Date: Wednesday 1st February 2023

Title of report: Licensing Service – Update Report

Purpose of report: The purpose of the report is to inform members of the activities undertaken to discharge the Council’s licensing functions from 1st April 2022 to 30th September 2022.

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? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	No
Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u>	Key Decision – 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 Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Colin Parr – 23.01.2023 Eamonn Croston – 20.01.2023 Julie Muscroft - 17.01.2023
Cabinet member portfolio	Cllr Will Simpson

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 purpose of this report.

1. Summary

1.1 this report is to provide members of the Licensing and Safety Committee with an update on the activities undertaken by the Council's Licensing Service from 1st April 2022 to 30th September 2022 and a general service update.

2. Information required to take a decision

Hackney Carriage and Private Hire Licensing

2.1 The overriding aim of the licensing service, when carrying out its functions relating to the licensing of hackney carriage and private hire drivers, vehicle proprietors and operators, is the safety of the travelling public and others who use (or can be affected by) hackney carriage and private hire services.

Current Licence Numbers

2.2 The number of hackney carriage and private hire licence in force as of 13th December 2022 are set out in the table below: -

Type	No.
Hackney Carriage Vehicles	208
Dual Drivers Licence	2,643
Private Hire Operators	145
Private Hire Vehicles	1,952
Total	4,948

2.3 The following table set out the number of private hire / hackney carriage applications processed by the service between 1st April 2022 and 30th September 2022.

Licence Type	Application Type	2022	2021	2020
Hackney Carriage Vehicle	New/Renewal	137	126	118
Dual Drivers Licence	New	57	45	4
	Renewal	698	866	888
Private Hire Operator	New	26	17	8
	Renewal	29	35	36
	New	242	235	110

Private Hire Vehicle	Renewal	843	840	881
Total		2,032	2,164	2,045

2.4 Members will note that there are less driver renewal applications, this is due to the move to three-year licences rather than annual renewals.

Vehicle Testing

2.5 In relation to vehicle testing, the tables below show the numbers of tests taken from April 2022 to September 2022.

George Street Testing Station						
	April 2022	May 2022	June 2022	July 2022	Aug 2022	Sept 2022
Number of Tests	134	104	89	149	122	127
Passed Initial Test	82	73	47	101	93	87
Failed Initial Test	52	31	42	48	29	40
% Passed	61%	70%	53%	68%	76%	69%
% Failed	39%	30%	47%	32%	24%	31%

Vine Street Testing Station						
	April 2022	May 2022	June 2022	July 2022	Aug 2022	Sept 2022
Number of Tests	56	85	97	91	77	97
Passed Initial Test	49	77	80	75	65	86
Failed Initial Test	7	8	17	16	12	11
% Passed	87%	91%	82%	82%	84%	89%
% Failed	13%	9%	18%	18%	16%	11%

Vine Street & George Street Combined						
	April 2022	May 2022	June 2022	July 2022	Aug 2022	Sept 2022
Total No. Tests	190	189	186	240	199	224
Total Passed	131	150	127	176	158	173
Total Failed	59	39	59	64	41	51
Total % Passed	69%	79%	68%	73%	79%	77%
Total % Failed	31%	21%	32%	27%	21%	23%

Fitness and Suitability Policy Consultation

2.6 In November 2022 the service commenced a three-month consultation following the review of the fitness and suitability policy. The consultation is

due to end on 15th February 2023, a report will be brought back to members with the results of the consultation, for a decision.

2.7 You can view the draft policy and comment on the consultation by submitting your answers to the survey, which can be accessed online at: <https://online1.snapsurveys.com/kirklees-policy>

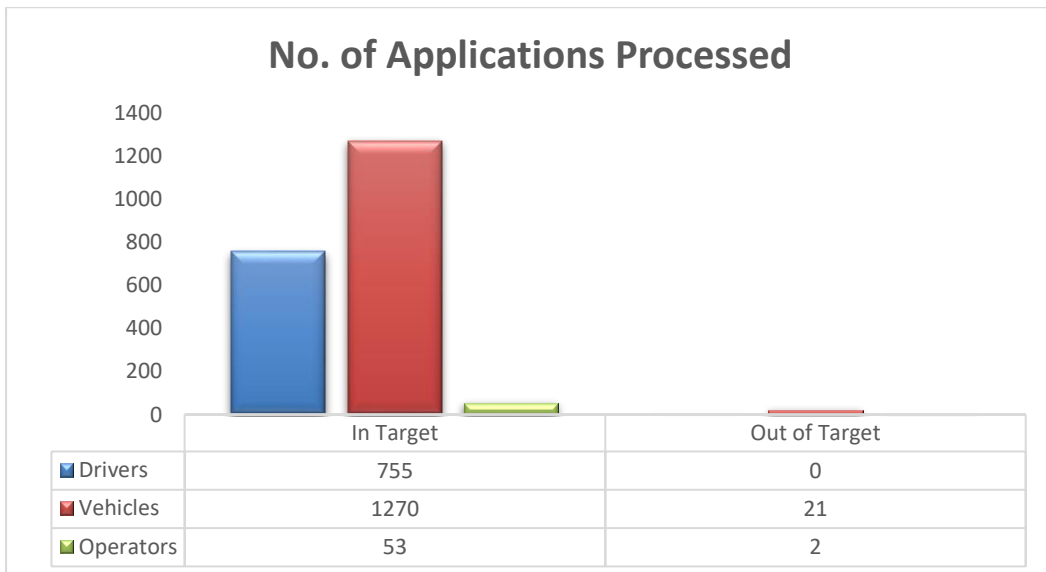
Alternatively, you can scan the QR code here to be taken directly to this site:

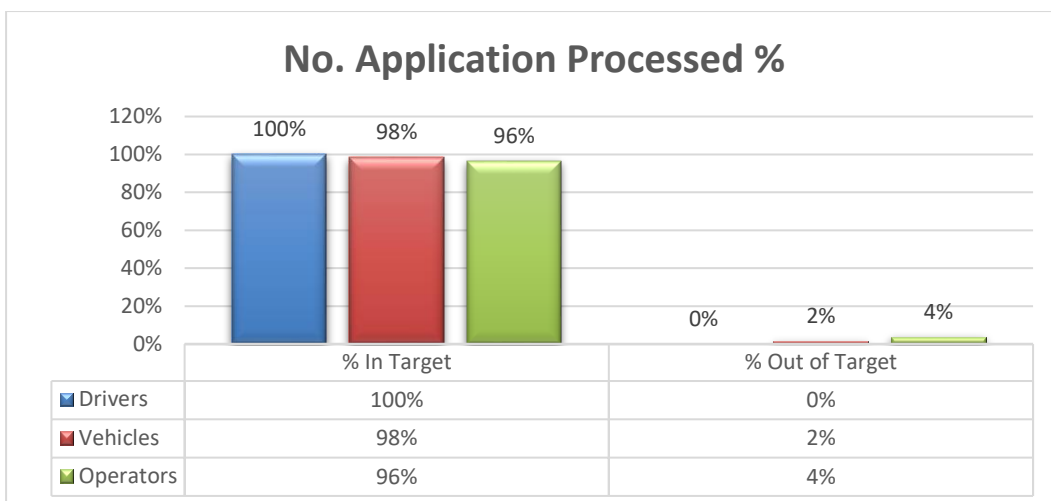


Service Standards

2.8 In August 2021, we introduced our service standards and monitoring of these standards commenced in October 2021. The following tables show how the service has been performing against those standards:

	April - September 2022				
	No. Processed	In Target	%	Out of Target	%
Drivers	755	755	100%	0	0%
Vehicles	1291	1270	98%	21	2%
Operators	55	53	96%	2	4%





2.9 Below are the previous 6 months service standards figures for comparison:

	January - March 2022				
	No. Processed	In Target	%	Out of Target	%
Drivers	389	385	99.0%	4	1%
Vehicles	597	595	99.7%	2	0.3%
Operators	37	37	100.0%	0	0.0%

	October - December 2021				
	No. Processed	In Target	%	Out of Target	%
Drivers	422	409	96.9%	13	3.1%
Vehicles	585	445	76.1%	140	23.9%
Operators	23	23	100.0%	0	0

Delegated Decisions

2.10 At the Licensing and Safety Committee held on 2nd March 2022 members were presented, in a private session, details in relation to the decisions that have been taken since the adoption of the fitness and suitability policy in August 2019. Members requested that officers bring back a report that could be made public with the decisions that had been made under the policy.

2.11 At the Licensing and Safety Committee held on 6th July 2022 members were presented with a report informing them that officers had been working with colleagues in Information Governance on how the information could be presented without breaching the Council's duties under General Data Protection Regulation (GDPR), however, it was found to be more challenging than first anticipated, and it was not possible to find a format at that meeting which achieved the wishes of the Committee while maintaining the Council's duties under GDPR.

2.12 The service has now found an acceptable way to present the information without compromising its duties under GDPR, therefore, the table below shows the decisions that have been taken in the period between 1st April 2022 and 30th September 2022.

<u>Offence/Issue</u>	<u>Decisions and Reasons</u>
1. Crimes resulting in death of another person or was intended to cause the death or serious injury to another person.	N/A
2. Exploitation – any crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victims were adults or children including, for example: slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse.	N/A
3. Offences involving violence (including arson, riot, terrorism offences, harassment, common assault & criminal damage) or connected with any offence of violence.	1. New Driver applicant: - Violence conviction less than 10 years old. Failure to declare conviction on application and provided no circumstances for decision maker to deviate from policy. Decision – Refuse application
4. Possession of a weapon or any other weapon related offence.	N/A
5. Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.	N/A
6. Dishonesty – any offence of dishonesty, or any	N/A

offence where dishonesty is an element of the offence.	
7. Drugs supply – any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply.	N/A
8. Drugs use – any conviction for possession of drugs or related to possession of drugs.	N/A
9. Discrimination – any conviction involving or connected with discrimination in any form.	N/A
10. Drink driving/driving under the influence of drugs.	N/A
11. Driving whilst using a hand-held telephone or other device.	N/A
12. Minor traffic or vehicle related offences – offences which <u>do not involve</u> loss of life, driving under the influence of drink or drugs, driving whilst using a handheld telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence	<ol style="list-style-type: none"> 1. New Driver Applicant: - 7 penalty points on DVLA driving licence. Decision – Retake practical driving test and if passes issue licence with warning letter. 2. Existing Driver: - 9 points on DVLA driving licence, failure to notify authority and failure to declare points on renewal application. Previous history of points on licence, Simple Caution issued previously for an offence and dishonesty in interview. Decision – Revoke licence 3. Existing Driver: - 9 points on DVLA driving licence, did declare points, showed remorse and clear history as a licenced driver for 35 years. Decision – Issue renewal with warning and requirement to undertake and pass driving test in 3 months.

	<p>4. Existing Driver: - 9 points on DVLA driving licence, failure to declare the points, clear history. Decision – Warning letter and requirement to undertake driving test within 3 months</p> <p>5. Existing Driver: - 9 points on DVLA driving licence. Decision – Issue warning letter and undertake driving test.</p> <p>6. Existing Driver: - TT99 DVLA Driving licence driving ban Decision - Revoke</p>
<p>13. Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance.</p>	<p>1. Existing Driver: - 6 points for no insurance, clear history 20 years as a driver, remorseful in interview, reasons given for consideration of the decision maker. Decision – Final warning issued and licence renewed.</p>
<p>14. Hackney carriage and private hire offences.</p>	<p>N/A</p>
<p>15. Vehicle use offences, for example being carried in vehicle without the owner’s consent.</p>	<p>N/A</p>
<p>16. General standard of behaviour/repeat complaints regarding attitude/driving standard and any other reason they may be deemed not ‘fit and proper’ to hold/continue to hold a hackney carriage/private</p>	<p>N/A</p>

hire driver's licence and not resulting in conviction.	
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Licensing Act 2003 and General Licensing

2.13 The following table sets out the number of Licensing Act applications processed by the service between 1st April 2022 and 30th September 2022, and the other columns are the equivalent for the same periods in 2021 and 2020.

Application Type	2022	2021	2020
New	21	24	28
Full Variation	4	4	6
Minor Variation	10	9	6
Transfer	37	24	33
Temporary Event Notices	334	220	37
Total	406	281	110

2.14 The following applications were considered by the Licensing Panel between 1st April 2022 and 30th September 2022.

Application Type	Premises	Outcome
Grant of Premises Licence	European Mini Market, 59 Blacker Road, Birkby, Huddersfield	Granted with Conditions
Full Variation of Premises Licence	Playworld, 140 Westbourne Road, Huddersfield	Granted with Conditions
Grant of Premises Licence	Batley Superstore, 91 Commercial Street, Batley	Granted
Full Variation of Premises Licence	Woodman Inn, 6 Hartley Street, Dewsbury	Granted
Review of Premises Licence	Rio Foods, 229A Bradford Road, Fartown, Huddersfield	Licence Revoked

Total Number of applications received

2.15 The licensing service deal with a wide range of applications:

- Licensing Act 2003
- Gambling Act 2005
- Hackney Carriage and Private Hire
- Street Trading
- Street Activities
- Charitable Collections

- Sex Shops and Sexual Entertainment Venues
- Hypnotists
- Scrap Metal Site and Collections
- Pavement Licences
- Literature Distribution

2.16 In the period between 1st April 2022 and 30th September 2022, the service received a total of 2,906 applications. In the previous 6-month period, between 1st October 2021 and 31st March 2022 the service received a total of 2,836 applications.

Revised Guidance issued under Section 182 of the Licensing Act 2003

2.14 In December 2022 the Government issued the revised guidance under Section 182 of the Licensing Act, in brief the changes are as follows: -

- In terms of right to work entitlement, the revised guidance substantially changed at 4.21 onwards.
- Strengthening the advice to persons operating an alcohol delivery service to suggest the “should” (previously “may”) consider contacting their licensing authority under paragraph 3.10.
- There is a new section on “Closure Notices” at paragraph 4.83.
- Clarifying that Home Office Immigration Enforcement is not responsible for clubs (para 6.11).
- Updates to TENs statutory limits (para 7.15).
- Clarifying that there is no right of appeal in respect of the late TENs following objection by the police or EHOs (para 7.34).
- Clarifying that full variations should be used to “vary **substantially** the premises to which the licence relates” at paragraph 8.76.
- Paragraph 10.5 added clarification that operating schedules should be converted to conditions which must be “appropriate and proportionate for the promotion of the licensing objectives”.
- Inclusion of the “Agent of Change” principle in 14.66.
- Removal of “Annex A – Documents which demonstrate entitlement to work in the UK”.

West Yorkshire Joint Services - Trading Standards

2.14 The licensing team and the police licensing officers based with the service work closely with Trading Standards. Visits to premises are conducted when intelligence has been gathered by Trading Standards to suggest there is the sale of illicit tobacco at a premises.

2.15 While not every premises visited is licensed, it is important that members are aware that trading standards do work in partnership with the service and enforcement action is taken.

2.16 In July 2022 visits were carried out at three premises in Huddersfield and South Kirklees. During this 2,673 x20 packets of cigarettes, 35 x50g pouches of hand rolling tobacco, 799 disposable vapes, and 38 items of counterfeit clothing were seized.

2.17 In September 2022 visits were carried out at three premises in Dewsbury, North Kirklees. During this 1,215 x20 packets of cigarettes, 436 x50g pouches of hand rolling tobacco, in addition, quantities of shisha tobacco, disposable vapes, and a vehicle were also seized.

Staffing within the Licensing Service and Enforcement Activity

2.18 Licensing Officers undertake proactive enforcement activity outside normal working hours. This can vary from, licensed vehicle checks, licensed operator base checks, licensed driver checks, premises licence compliance checks, gambling premises compliance checks, etc.

2.19 Between 1st April 2022 and 30th September 2022 officers carried out 29 out of hours proactive enforcement duties, which is an average of 5 per month.

2.20 The service is working on ways to better record the proactive enforcement activity to report this to members for future committees.

2.21 As part of our role to keep the public safe we have worked with the Police in an undercover test purchase operation relating to Child Sexual Exploitation (CSE). Two plain clothed male police officers accompanied a lone young female to a hotel and engaged in discussions of a sexual nature whilst travelling to the hotel in hackney carriage / private hire vehicles, also making it clear the young female was underage. Four of the five hackney carriage / private hire drivers who transported the young female and male adults failed to report any concerns about the young female. All four drivers have been required undertaken mandatory CSE training delivered by the licensing service and the police. Feedback from the drivers was that they found the training positive and informative.

2.22 In the coming months the service will also be carrying out additional test purchasing operations for private hire and hackney carriage licensing in relation to the Equalities Act and Child Sexual Exploitation.

2.23 The service are currently recruiting into two posts one business support officer, following the departure of one member of staff and one Licensing Officer, following the original post holder being successfully appointed as a Senior Licensing Officer.

3. Implications for the Council

3.1 Working with People

One of the key priorities for the licensing service is to ensure the safety of the public.

3.2 Working with Partners

In developing policies and procedures, the licensing service works with a number of partners, including, Kirklees Safeguarding Children's Board, West Yorkshire Police, Environmental Health, The Community Safety Partnership, West Yorkshire Joint Services, the other West Yorkshire Authorities (Including York) and many other partners.

3.3 Place Based Working

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

3.4 Climate Change and Air Quality

There are no implications in relation to climate change and air quality in this paper.

3.5 Improving outcomes for children

The Council wants to ensure that children in Kirklees 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 in licensed vehicles, and more specifically, for the purposes of home to school transport. We also have a duty both under the Licensing Act 2003 and the Gambling Act 2005 to uphold the licensing objectives, namely the protection of children from harm.

3.6 Financial Implications for the people living or working in Kirklees

There are no financial implications for people living or working in Kirklees contained in this report.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

Integrated Impact Assessment

All licensing policies for the service are accompanied with an Integrated Impact Assessment.

Legal

No legal issues.

Human Resources

The only human resource implication contained in this report relates to the recruitment of staff into vacant posts within the service.

4. Consultation

4.1 This is an information only report and no consultation has been undertaken.

5. Engagement

5.1 This is an information only report and no engagement has been undertaken.

6. Next steps and timelines

6.1 Not applicable – Information only report.

7. Officer recommendations and reasons

7.1 Members are asked to note the report

8. Cabinet Portfolio Holder's recommendations

8.1 Councillor Will Simpson has noted the report

9. Contact officer

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10. Background Papers and History of Decisions

<https://democracy.kirklees.gov.uk/documents/s46841/Service Update - LSC July 22.pdf>

11. Service Director responsible

Katherine Armitage

Service Director – Environment and Climate Change

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