



Name of meeting: Licensing and Safety Committee

Date: Wednesday 28th June 2023

Title of report: Licensing Services – 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 October 2022 to 31st March 2023

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	Colin Parr – 19.06.2023
Is it also signed off by the Service Director for Finance?	Dean Langton – 08.06.2023
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 09.06.2023
Cabinet member	Councillor Naheed Mather

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 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 October 2022 to 31st March 2023.

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 current hackney carriage and private hire licences in force as of 24th May 2023 are set out in the table below: -

Type	No.
Hackney Carriage Vehicles	212
Dual Drivers Licence	2,850
Private Hire Operators	162
Private Hire Vehicles	2,098
Total	5,322

2.3 The following table sets out the number of private hire / hackney carriage applications processed by the service between 1st October 2022 and 31st March 2023, and the number comparable during the same months in previous years: -

Licence Type	Application Type	2022/2023	2021/2022	2020/2021
Hackney Carriage Vehicle	New/Renewal	115	132	132
Dual Drivers Licence	New	188	80	14
	Renewal	654	806	754
Private Hire Operator	New	24	22	29
	Renewal	42	40	26
	New	274	327	190

Private Hire Vehicle	Renewal	758	801	887
Total		2,055	2,208	2,032

Vehicle Testing

2.4 The tables below show the numbers of compliance tests carried out by the transport team between 1st October 2022 and 31st March 2023.

George Street Testing Station						
	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023
Number of Tests	106	130	74	134	119	108
Passed Initial Test	75	74	43	88	72	56
Failed Initial Test	31	46	31	46	47	52
% Passed	71%	65%	58%	66%	61%	52%
% Failed	29%	35%	42%	34%	39%	48%

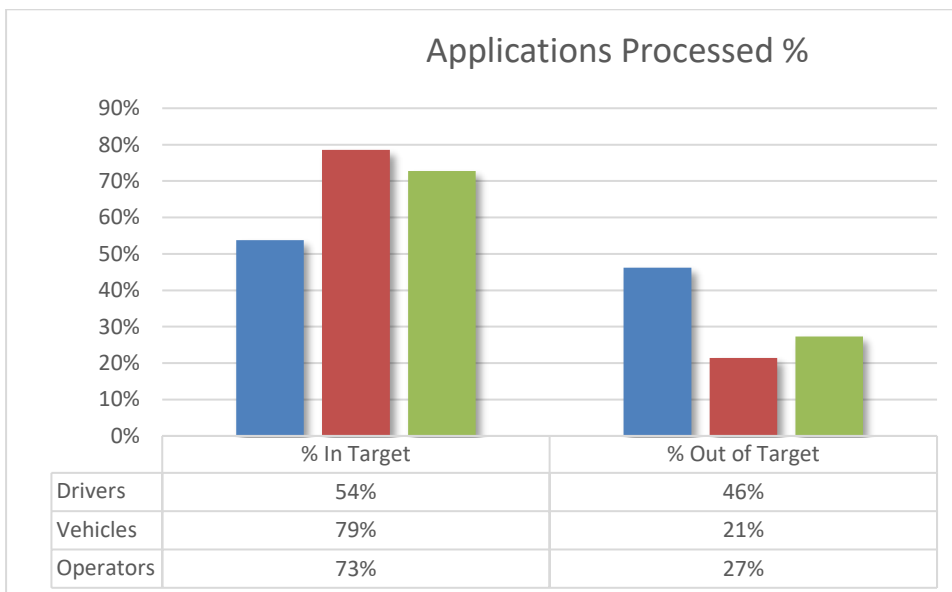
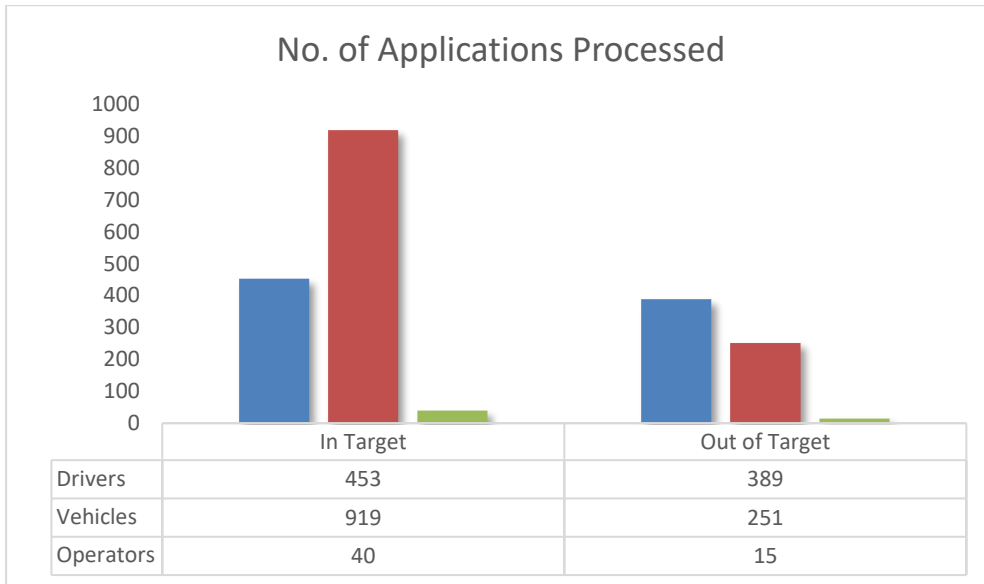
Vine Street Testing Station						
	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023
Number of Tests	94	88	65	84	89	75
Passed Initial Test	81	71	42	71	66	56
Failed Initial Test	13	17	23	13	23	19
% Passed	86%	81%	65%	85%	74%	75%
% Failed	14%	19%	35%	15%	26%	25%

Vine Street & George Street Combined						
	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023
Total No. Tests	200	218	139	168	208	183
Total Passed	156	145	85	71	138	112
Total Failed	44	63	54	13	70	71
Total % Passed	78%	71%	61%	73%	66%	61%
Total % Failed	22%	29%	39%	27%	34%	39%

Service Standards

2.5 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:

	October 2022 – March 2023				
	No. Processed	In Target	%	Out of Target	%
Drivers	842	453	54%	389	46%
Vehicles	1170	919	79%	251	21%
Operators	55	40	73%	15	27%



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

	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%

Delegated Decisions

2.7 The table below shows the decisions taken by the Group Leader for Licensing between 1st October 2022 and 31st March 2023.

<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: - Previously revoked due to conviction for s.39 – common assault. Decision – Licence issued with warning due to length of time since conviction, evidence of attending courses to improve and honesty throughout process.
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.	1. Existing Driver: - Alleged sexual assault. Decision – immediate suspension pending investigation. 2. Existing Driver: - Alleged sexual assault.

	<p>Decision – immediate suspension pending investigation.</p> <p>3. Existing Driver Alleged attempting to engage in sexual communication with a child. Decision – immediate suspension pending investigation.</p>
<p>6. Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.</p>	<p>1. Existing Driver: - Perverting course of justice. No negative history recorded against driver and no history of points on licence. Driver was honest throughout the investigation process. Decision – Warning letter</p>
<p>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.</p>	N/A
<p>8. Drugs use – any conviction for possession of drugs or related to possession of drugs.</p>	N/A
<p>9. Discrimination – any conviction involving or connected with discrimination in any form.</p>	N/A
<p>10. Drink driving/driving under the influence of drugs.</p>	N/A
<p>11. Driving whilst using a hand-held telephone or other device.</p>	<p>1. Existing Driver: - 6 points on DVLA licence for mobile phone usage 3 points speeding Failure to notify. Decision maker met with driver due to reasons given in interview with officer – consideration for exceptional circumstances. Decision – Formal warning letter issued</p>
<p>12. Minor traffic or vehicle related offences – offences which <u>do not involve</u> loss of life, driving under the influence of</p>	<p>1. Existing Driver: - 8 points on DVLA licence Notified authority, honesty throughout and clear history. Decision – Formal Warning letter issued</p>

<p>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</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 driving a vehicle without the correct insurance. Explanation and reason given, was insured but wrong type of insurance. Decision – warning letter issued.</p>
<p>14. Hackney carriage and private hire offences.</p>	N/A
<p>15. Vehicle use offences, for example being carried in vehicle without the owner's consent.</p>	N/A
<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 hire driver's licence and not resulting in conviction.</p>	N/A

Hackney Carriage and Private Hire Fee's review

2.8 Hackney carriage / private hire fees in Kirklees have not been reviewed since 2015. Following the decision regarding decision making the fees for hackney carriage and private hire licences will be reviewed and consulted upon in accordance with the requirements as set out in the Local Government

(Miscellaneous Provisions) Act 1976. A report will be brought back for members to consider regarding the fees at the next meeting of the Licensing and Safety Committee.

School Contract – Restricted Licences

2.9 Due to the demand for the requirement of home to school transport drivers increasing the licensing service is working with school transport on the creation of a new licences to be issued for new driver and new vehicle applicants which results in the applicant gaining a licence specifically to undertake school contract jobs but will restrict them from being able to complete the usual private hire advanced bookings. Further details regarding the process will be presented to members at a later meeting.

Licensing Act 2003 and General Licensing

2.10 The following table sets out the number of Licensing Act application processed by the service between 1st October 2022 and 31st March 2023, and the other columns are the equivalent for the same periods in 2021/2022 and 2020/2021.

Application Type	2022/2023	2021/2022	2020/2021
New	29	31	38
Full Variation	6	11	5
Minor Variation	7	10	6
Transfer	42	43	39
Temporary Event Notices	282	272	55
Total	366	367	143

2.11 The following applications were considered by the licensing panel between 1st October 2022 and 31st March 2023.

Application Type	Premises	Outcome
Grant of Premises Licence	Londis 28-30 Leeds Road Birstall	Granted with Conditions
Grant of Premises Licence	Morrisons Store and petrol filling station 17 Union Street, Heckmondwike	Granted
Grant of Premises Licence	Moll Spring Brewery, Netherton	Granted

Grant of Premises Licence	Sun News 178 Healey Lane, Batley	Granted
Personal Licence		Refused
Regulatory Panel – Sexual Entertainment Venue Application	Cleopatras Lounge 48 Kirkgate Huddersfield	Granted

Total number of applications

2.12 The licensing service deals 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

2.13 In the period between 1st October 2022 and 31st March 2023, the service received a total of 2,854 applications. In the previous 6-month period between 1st April 2022 and 30th September 2022 the service received a total of 2,836 applications.

West Yorkshire Joint Service – 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 December 2022 4 premises in South Kirklees were visited during this a total of 1,040 x 20 packets of cigarettes, 96 x 50g pouches of hand rolling tobacco, 1,519 oversized vapes and 18 x 500g (9kg) pouches of shisha tobacco were seized.

2.17 In January 2023 4 premises in both North and South Kirklees were visited during this a total of 3,407 x 20 packets of cigarettes, 243 x 50g pouches of hand

rolling tobacco, 439 oversized vapes, 4 pouches of shisha tobacco, 218 electrical items and a quantity of perfumes.

Staffing within the Licensing Service and Enforcement Activity

2.18 Licensing Officers undertake proactive enforcement activity outside their 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, and so on.

2.19 Between 1st October 2022 and 31st March 2023 officers carried out 16 out of hours proactive enforcement duties which averages out to approximately 3 per month.

2.20 Between 1st October 2022 and 31st March 2023 licensing officers have worked with the police and DVSA (Driver and Vehicle Standards Agency) on 3 occasions on joint operations in regards to safer roads conducting vehicle checks on vehicles, specifically licensed vehicles for the licensing officers:

- 24th October 2022 – 25 licensed vehicles checked, 15 had no defects -
 - Private hire driver not wearing seatbelt – fixed penalty notice issued by the police.
 - Hackney Carriage Vehicle given prohibition notice and suspended due to tyre. Driver returned with MOT and new tyres; licence unsuspended.
 - Private hire vehicle given prohibition notice due to tyre. Driver returned with MOT and new tyres; licence unsuspended.
 - Private hire vehicle given a rectification notice – needed a new number plate, fire extinguisher, there was accident damage, and the interior of the vehicle was dirty.
 - Private Hire vehicle suspended due to offside front indicator not working and bumper needed clipping back on. Driver returned with issues fixed and unsuspended.
 - Private hire vehicle had accident damage and needed new number plate.
 - Hackney carriage vehicle given advise about getting new tyres.
 - Private hire vehicle received a rectification notice as required a door sign.
 - Hackney carriage vehicle received a rectification notice as fire extinguisher was missing.
 - Private hire vehicle was suspended as headlight was out, driver came back with a new light and vehicle licence was unsuspended.

- 24th November 2022 – 18 licensed vehicles checked, 5 had no defects –
 - Private hire vehicle received a rectification notice as wind mirror indicator inoperable.
 - Private hire vehicle (Leeds Licence), number plate lights inoperable, tyre pressure warning light on.
 - Private hire vehicle number plate light inoperable rectification notice issued. Driver returned with the light repaired.
 - Private hire vehicle near side headlamp inoperable rectification notice issued.

- Private hire vehicle had no fire extinguisher in vehicle, driver returned with fire extinguisher.
 - Private hire vehicle's door sign in poor condition and number plate light inoperable rectification notice issued.
 - Private hire vehicle's number plate light inoperable; rectification notice issued.
 - Hackney carriage vehicle drove by officers noted number plate lights inoperable.
 - Private hire vehicle's number plate light inoperable; rectification notice issued.
 - Private hire vehicle had plate in the rear window, vehicle licence suspended.
 - Private hire vehicle number plate light inoperable; rectification notice issued.
 - Private hire vehicle, fire extinguisher missing, no badge, tyre pressure warning light on; rectification notice issued.
 - Private hire vehicle had engine management light on; vehicle licence suspended.
- 15th December 2022 – Issue with the location so only 9 vehicles were checked, 7 had no defects –
 - Two licensed vehicles issued with rectification notices for minor lighting defects.
 - Two drivers were verbally warned for not wearing badges.
 - 2 Leeds licensed vehicles were checked, both had no defects, however, one driver initially refused to allow officers to check the vehicle as they were not Leeds licensing enforcement officers, was strongly advised he was required to remain until all relevant checks had been completed.

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.

Financial

There are no financial implications for the Council arising from the recommendations in this report.

Human Resources

There are no human resource implications contained in this report.

4. Consultation

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

5. Engagement

4.1 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

Councillor Naheed Mather agrees with the information contained in the update report.

9. Contact officer

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10. Background Papers and History of Decisions

[Licensing Services update report.pdf \(kirklees.gov.uk\)](#)

11. Service Director responsible

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