

**REPORT TITLE:** Licensing Services – Update Report  
 Licensing and Safety Committee – Wednesday 14<sup>th</sup> February 2024

<b>Cabinet date</b>	<b>N/A</b>
<b>Cabinet Member</b>	<b>Councillor Mussarat Pervaiz</b>
<b>Key Decision Eligible for Call In</b>	<b>No No</b>
<b>Purpose of Report</b> The purpose of the report is to inform members of the activities undertaken to discharge the Council’s licensing functions from 1 <sup>st</sup> April 2023 to 30 <sup>th</sup> September 2023.	
<b>Recommendations</b> <ul style="list-style-type: none"> <li>Members are asked to note the report.</li> </ul> <b>Reasons for Recommendations</b> <ul style="list-style-type: none"> <li>The report is for information only.</li> </ul>	
<b>Resource Implications:</b> There are no resource implications relating to this report.	
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	Rachel Spencer-Henshall – 26.01.2024
<b>Is it also signed off by the Service Director for Finance?</b>	Isabel Brittain – 31.01.2024
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	Julie Muscroft – 25.01.2024

**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. Executive 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 1<sup>st</sup> April 2023 to 30<sup>th</sup> September 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 29<sup>th</sup> December 2023 are set out in the table below: -

Type	No.
Hackney Carriage Vehicles	219
Dual Drivers Licence	3,119
Private Hire Operators	197
Private Hire Vehicles	2,452
Total	5,987

2.3 The following table sets out the number of private hire / hackney carriage applications processed by the service between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023 and the number comparable during the same months in previous years: -

Licence Type	Application Type	2023	2022	2021
Hackney Carriage Vehicle	New/Renewal	130	137	126
Dual Drivers Licence	New	248	57	45
	Renewal	525	698	866
Private Hire Operator	New	38	26	17
	Renewal	39	29	35
Private Hire Vehicle	New	333	242	235
	Renewal	832	843	840
Total		2,145	2,032	2,164

2.4 Members will note there are less driver renewal applications, there are several reasons for this, one being the move to issuing 3-year licences and in 2020 the licensing

authority were not accepting new driver applications due to the pandemic which would now have been renewing after 3 years.

2.5 Members will also note that the number of new driver applications have increased considerably since the same period last year, which is a positive improvement following the pandemic.

### Vehicle Testing

2.6 In relation to vehicle testing the tables below show the numbers of vehicle compliance tests that were taken from 1<sup>st</sup> April 2023 to 30<sup>th</sup> September 2023.

<b>George Street Testing Station</b>						
	April 2023	May 2023	June 2023	July 2023	Aug 2023	Sept 202
Number of Tests	133	110	86	51	93	168
Passed Initial Test	80	66	44	34	61	78
Failed Initial Test	53	44	42	17	34	70
% Passed	60%	60%	51%	67%	63%	58%
% Failed	40%	40%	49%	33%	37%	42%

<b>Vine Street Testing Station</b>						
	April 2023	May 2023	June 2023	July 2023	Aug 2023	Sept 2023
Number of Tests	93	39	113	115	85	69
Passed Initial Test	78	33	88	84	65	45
Failed Initial Test	15	6	25	31	20	24
% Passed	84%	85%	78%	73%	76%	65%
% Failed	16%	15%	22%	27%	24%	35%

<b>Vine Street &amp; George Street Combined</b>						
	April 2023	May 2023	June 2023	July 2023	Aug 2023	Sept 2023
Total No. Tests	226	149	199	206	178	237
Total Passed	158	99	132	118	126	123
Total Failed	68	50	67	48	54	114
Total % Passed	70%	66%	66%	77%	70%	52%
Total % Failed	30%	34%	34%	23%	30%	48%

2.7 Further details regarding the reasons for failure of tests and numbers of vehicles that have failed in each category in the 6 months between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023 are shown in the table below: -

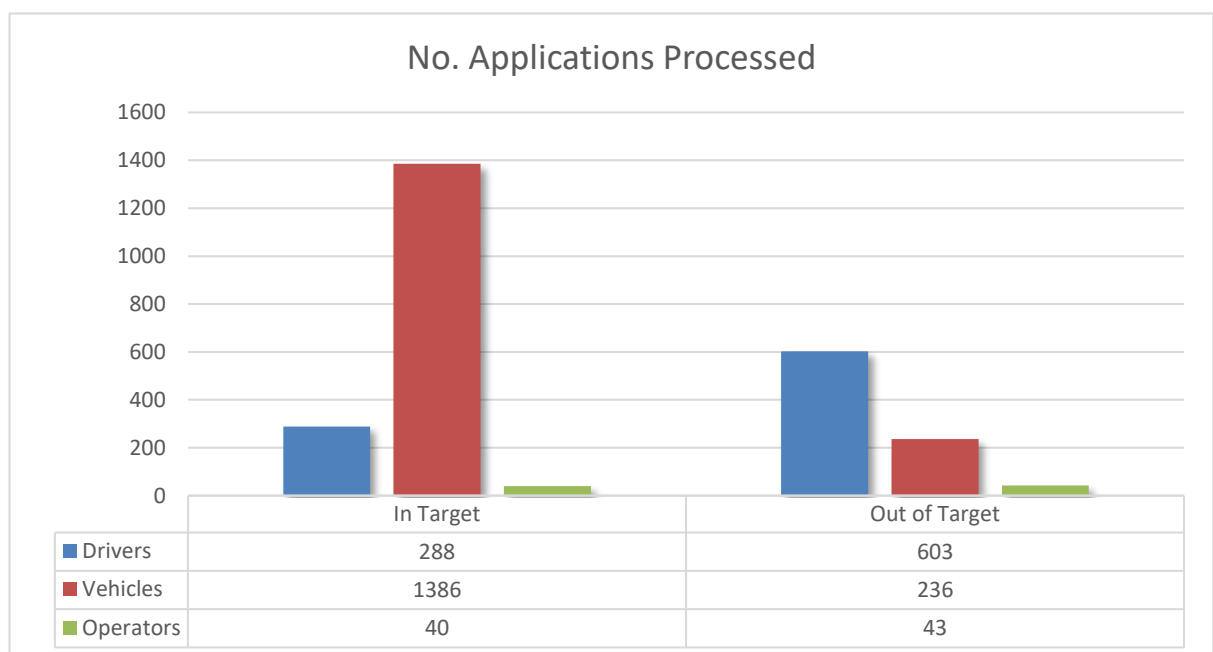
(Please note some vehicles may have failed on more than one item which will account for the numbers being higher than the failure rates above)

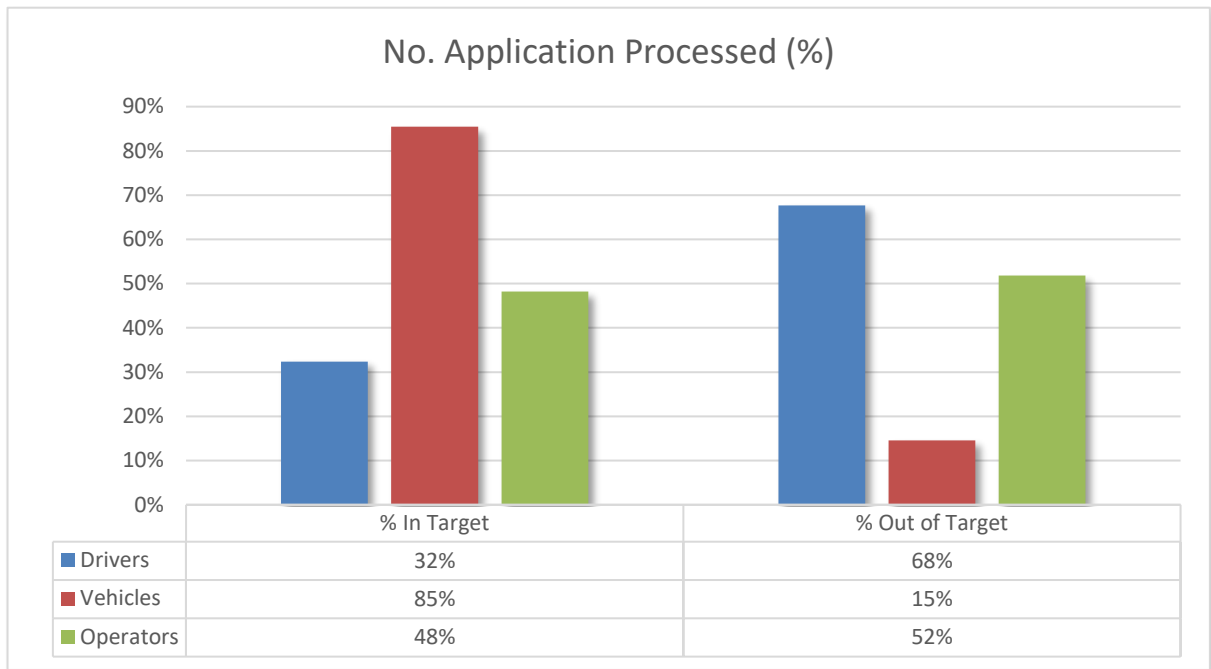
Reason for Failure	Vine Street	George Street	Percentage of total failures (401)	Percentage (Total number of tests 1,195)
Lighting	69	101	42%	14%
Steering/Suspension	30	58	22%	7%
Brakes	29	47	19%	6%
Wheels/Tyres	29	67	24%	8%
Emissions Diesel	11	28	10%	3%
Emissions Catalyst	0	0	0%	0%
Meter Tests	0	0	0%	0%
Body Work	0	1	0.2%	0.1%
Fire Extinguisher	12	6	4%	1%
Interior	13	13	6%	2%
Other	37	37	18%	6%

### Service Standards

2.8 In August 2021, the licensing service introduced its service standards, the following tables show how the service performed against the service standards between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023:

	April 2023 - September 2023				
	No. Processed	In Target	% In Target	Out of Target	% Out of Target
Drivers	891	288	32%	603	68%
Vehicles	1622	1386	85%	236	15%
Operators	83	40	48%	43	52%





2.9 Below are the previous 6 months performance figures in relation to the service standards for comparison:

	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%

2.10 Members will note that the service standards figures dropped quite considerably between 1<sup>st</sup> April and 30<sup>th</sup> September 2023, due to staff absences and resource issues, measures have been put in place and the service is confident that members will see an improvement in the targets for service delivery in future reports.

### Delegated Decisions

2.11 The table below shows the decisions taken by the Group Leader for Licensing between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 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	1. Existing Driver - Historic CSE Decision– Immediate Revocation

<p>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.</p>	<p>2. Existing Driver - Historic CSE Decision - Immediate Revocation</p>
<p>3. Offences involving violence (including arson, riot, terrorism offences, harassment, common assault &amp; criminal damage) or connected with any offence of violence.</p>	<p>1. New Driver- Conviction for battery in 2014, policy is 10 years, 6 points minor motoring convictions, points fall outside policy. Decision – Grant with warning due to length of time since conviction and applicant currently licensed with another authority.</p>
<p>4. Possession of a weapon or any other weapon related offence.</p>	<p>1. Existing Driver – Conviction for trying to purchase ammunition using a false licence, 9 points on DVLA driving licence – 6 points for use of handheld device whilst driving. Decision – Revoke</p> <p>2. Existing Driver- Conviction for trying to purchase ammunition, failure to declare conviction. Decision – Revoke</p>
<p>5. Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.</p>	<p>N/A</p>
<p>6. Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.</p>	<p>1. New Driver – Dishonesty conviction in 2017, policy is 7 years should lapse. Decision – due to length of time that has lapsed and no other issues, grant with 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>	<p>N/A</p>
<p>8.</p>	<p>N/A</p>

Drugs use – any conviction for possession of drugs or related to possession of drugs.	
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.	1. Existing Driver – Conviction for driving whilst using a handheld device. 9 points and failure to declare. Decision – Revoke
12. Minor traffic or vehicle related offences – offences which do not include offences involving: - <ul style="list-style-type: none"> <li>• loss of life,</li> <li>• driving under the influence of drink or drugs,</li> <li>• driving whilst using a handheld telephone or other device</li> <li>• No Insurance</li> <li>• Offences which have resulted in injury to any person or damage to any property (including vehicles)</li> </ul>	1. Existing Driver- 9 points on licence, no history of points or concerns. Decision – Requirement to undertake Driven Test and final warning letter.  2. New Applicant – Conviction in 2017 for IN10, policy is 7 years should lapse, were one month from this. Decision - Grant with Warning.
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.	1. New applicant – Major Motoring offence in 2017 (over 6 years since motoring conviction), no other issues, honest throughout. Policy is 7 years to lapse. Decision – Deviate from policy due to length of time since conviction and no other issues, grant with warning.  2. New applicant – IN14 conviction – no insurance. Over 6 years since the date of the offence, policy is 7 years to lapse.

	<p>Decision – Deviate from policy due to length of time since conviction and grant licence with a warning letter.</p> <p>3. Existing driver – 6 points for no insurance, exceptional circumstances considered. Decision – Issue warning letter.</p> <p>4. Existing driver – Conviction for driving without due care and attention causing another vehicle damage and receiving 7 points on DVLA driving licence. Failed to declare in line with conditions of licence. Decision – Revoke Licence.</p>
14. Hackney carriage and private hire offences.	N/A
15. Vehicle use offences, for example being carried in vehicle without the owner’s consent.	N/A
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>1. Existing Driver – Complaint about inappropriate behaviour. Decision – Issue warning letter.</p> <p>2. New Driver- Previous refusals, currently licensed with another Authority. Decision – Grant with warning letter.</p>

### Hackney Carriage and Private Hire Fee Review

2.12 Members were informed in the previous licensing services update report that the hackney carriage / private hire fees in Kirklees had not been reviewed since 2015 (implemented in 2016), and that a further report would be submitted for member consideration.

2.13 Following consultation in line with the requirements as set out in the Local Government (Miscellaneous Provisions) Act 1976, following consideration of the representations received a decision was taken under delegation by the Strategic Director for Corporate Strategy, Commissioning and Public Health to maintain the current fees level pending further investigation into the issues raised as part of the consultation, the main themes of the issues were:

- The hackney carriage and private hire trade are struggling due to a downturn in customers,



- Increased costs in petrol / diesel and insurance,
- Increased costs due to the cost-of-living crisis,
- There appears to be no rhyme nor reason as to why different fees have increased by different percentages,
- The service has made a surplus in previous years and whether that has been factored into the review in relation to taxi licensing.

2.14 Whilst the service is confident the proposed fees were calculated in line with the legislation, case law and best practice guidelines, it was only appropriate to explore the matter in more detail given the strength of view of the trade.

2.15 It is anticipated that the review will be completed by 30<sup>th</sup> April 2024 and the service will again be able to consult with the trade on the proposed fees. Following this a report will be brought to members for a decision.

Department for Transport – Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England

2.16 In November 2023 the Department for Transport issued its updated ‘best practice’ guidance in relation to taxi and private hire vehicle licensing. The previous guidance to local authorities was issued in 2010.

2.17 A further report in relation to the Best Practice Guidance and any required changes will be brought to members in due course.

**Licensing Act 2003 and General Licensing**

2.18 The total number of Licensing Act and general licencing licenses in force as of 23<sup>rd</sup> January 2024 are set out in the table below:

Type	No.
Premises Licences	1034
Club Premises Certificate	172
Gambling Licences	599
Sexual Entertainment Venue/Sex Shop	2
Scrap Metal Dealer / Collector	31
Pavement Licence	437
Other General licences/permits	186
Total	2,461

2.19 The following table sets out the number of Licensing Act applications processed by the service between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023, and the other columns are the equivalent for the same periods in 2021 and 2022.

Application Type	2023	2022	2021
New	33	21	24

Full Variation	8	4	4
Minor Variation	9	10	9
Transfer	40	37	24
Temporary Event Notices	325	334	220
Total	415	406	281

2.20 The following applications were considered by the Licensing Panel between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023.

Application Type	Premises	Outcome
Grant of Premises Licence	M & G Convenience Store Ltd, 30 Church Street Dewsbury	Granted with Conditions
Grant of Premises Licence	Abi Mini Mart, 33 Royds Drive, Holmfirth	Granted
Grant of Premises Licence	20 Holmfirth Road, Meltham	Granted with Conditions
Grant of Premises Licence	Bankgate Mills, Slaithwaite	Refused

#### Total Number of Applications Received

2.21 The licensing service deals with a wide range of applications:

- Licensing Act 2003
- Gambling Act 2003
- 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

2.22 In the period between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023, the service received a total of 3,057 applications. In the previous 6-month period between 1<sup>st</sup> October 2022 and 31<sup>st</sup> March 2023, the service received a total of 2,854 applications.

#### Alcohol Toolkit

2.23 In 2012, the Police and Social Responsibility Act 2011, introduced Public Health as a responsible authority under the Licensing Act 2003. However, there is no licensing objective that links to 'Public Health', therefore making it difficult for the Director of Public Health or their nominated officers to submit representations in relation to individual applications under the Licensing Act.

2.24 While it is difficult for Public Health to comment on individual applications, as a designated 'responsible authority' it provides an opportunity for public health to help to shape the local alcohol landscape and by using the data they have access to, support the other responsible authorities, ward councillors and members of the public to make their own representations against applications.

2.25 In 2016, Public Health England developed and piloted an Analytical Software Package (ASP) to aid public health teams in their role as a responsible authority, with support from the Home Office and the Department of Health, versions of this ASP are used by local authorities in Cornwall, Wigan, Leeds, and Somerset. Public health colleagues in Kirklees have reviewed this ASP and other local authority variants and, with the support of the Licensing service, have developed a toolkit specifically tailored for Kirklees.

2.26 The Kirklees toolkit is designed as a straightforward one-stop resource with links to various data sources to provide supportive evidence linked to alcohol related harm, and the results from the tool can be used as part of representations to licensing applications and will assist members with decision making at hearings.

2.27 Before the toolkit is formally introduced, members will be invited to a training session to see the toolkit, learn how it works, and find out what benefits it will provide them for when they are making representations in relation to Licensing Act applications and when sitting on a panel determining applications.

#### West Yorkshire Joint Services – Trading Standards

2.28 The licensing team and the co-located licensing police officers work closely with Trading Standards. Visits to premises are conducted when intelligence has been gathered by Trading Standards.

2.29 While not every premises that is visited is licensed, it is important to note that trading standards work in partnership with the licensing service and the police and where required enforcement action is taken.

2.30 On 26<sup>th</sup> June 2023 four premises in South Kirklees were visited, at the first premises 64x 20 packets of cigarettes, 64x 50g pouches of hand rolling tobacco and 30 oversized vapes were seized. At the second premises 742x 20 packets of cigarettes and 16x 50g pouches of hand rolling tobacco were seized. At the final two premises there were no illegal products found.

2.31 On 14<sup>th</sup> August 2023 five premises were visited, at the first premises 230x 20 packets of cigarettes, 8x 50g pouches of hand rolling tobacco, 2,593 oversized vapes and 26.5kg shisha tobacco were seized. At the second premises 1,471 oversized vapes were seized. At the third premises 10x 50g pouches of hand rolling tobacco and 195 vapes were seized. At the Fourth premises 351x 20 packets of cigarettes and 8x 50g pouches of hand rolling tobacco were seized. At the final premises 5x 20 packets of cigarettes and 283 oversized vapes were seized.

2.32 On 13<sup>th</sup> September 2 premises were visited, neither of the premises were licensed. In total 2,618 vapes were seized.

## Staffing within the Licensing Service and Enforcement Activity

2.33 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 licence compliance checks and so on.

2.34 Between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023 officers carried out 31 proactive enforcement operations including some evenings/weekends, which is an average of 5 per month. The following tables provides a brief overview of the enforcement activities undertaken in the 6-month period:

<b>Month</b>		
<b>April</b>	<ol style="list-style-type: none"> <li>1. Joint Operation with Police and VOSA</li> <li>2. Invoice Enforcement (Licensing Act)</li> <li>3. Vehicle Checks</li> <li>4. Assistance Dog Operation</li> </ol>	<ol style="list-style-type: none"> <li>1. 19 Vehicles checked, 6 rectification notices issued, 3 vehicles suspended.</li> <li>2. 6 premises visited due to non-payment of annual fees.</li> <li>3. 11 Vehicles checked – no issues.</li> <li>4. Test Purchased 5 private hire operators and all passed.</li> </ol>
<b>May</b>	<ol style="list-style-type: none"> <li>1. Joint enforcement – Safer Kirklees.</li> <li>2. Joint Operation with Police</li> <li>3. Premises licence visits</li> <li>4. Invoice Enforcement (Licensing Act)</li> </ol>	<ol style="list-style-type: none"> <li>1. Addressing Town Centre Issues (Dewsbury East).</li> <li>2. 19 Vehicles Checked, 1 minor issue, 2 vehicles suspended.</li> <li>3. 3 premises visited, 1 private hire operator base visited, 5 visits Greenhead Park.</li> <li>4. 3 premises visited in South Kirklees, 4 premises visited in North Kirklees due to non-payment of annual fees. 1 Visit to Greenhead Park (Ice Cream van).</li> </ol>
<b>June</b>	<ol style="list-style-type: none"> <li>1. Invoice Enforcement (Licensing Act)</li> </ol>	<ol style="list-style-type: none"> <li>1. 9 premises visited – North Kirklees.</li> </ol>

	<ol style="list-style-type: none"> <li>2. Joint Operation with VOSA and Police</li> <li>3. Joint Operation with Home Office – Immigration checks</li> <li>4. Joint operation with VOSA</li> </ol>	<ol style="list-style-type: none"> <li>2. 17 Vehicles Checked, 7 rectification notices issued, 2 vehicle suspensions.</li> <li>3. Various locations.</li> <li>4. 36 Vehicles checked, 3 rectification notices issued, 1 vehicle suspension.</li> </ol>
<b>July</b>	<ol style="list-style-type: none"> <li>1. Joint operation with Home Office – Immigration checks</li> <li>2. Huddersfield Carnival</li> <li>3. Private Hire Operator Base check</li> <li>4. Joint operation with VOSA and Police</li> <li>5. Invoice Enforcement (Licensing Act)</li> </ol>	<ol style="list-style-type: none"> <li>1. Various locations.</li> <li>2. Huddersfield TC – Licensing presence at the carnival.</li> <li>3. 2 Operator Bases checked: visits to premises with outstanding invoices and town centre check.</li> <li>4. 53 Vehicles checked; 13 rectification notices issued.</li> <li>5. 5 premises visited, in addition hackney carriage rank inspected resulting in 3 vehicle checks and 1 vehicle suspension.</li> </ol>
<b>August</b>	<ol style="list-style-type: none"> <li>1. Invoice Enforcement (Licensing Act)</li> <li>2. Vehicle Checks, Joint operation with Police</li> <li>3. Invoice Enforcement (Licensing Act)</li> </ol>	<ol style="list-style-type: none"> <li>1. Various premises visited. In addition, Holmfirth hackney carriage rank checked.</li> <li>2. 21 vehicles checked; 4 rectification notices issued.</li> <li>3. 10 outstanding invoices, various locations.</li> </ol>

	<p>4. Vehicle Checks, Joint operation with Police</p> <p>5. Premises Licence Visits</p> <p>6. Invoice Enforcement (Licensing Act)</p>	<p>4. 19 vehicles checked, 6 vehicle licence suspensions, 1 vehicle found to be driving whilst under suspension.</p> <p>5. 3 pubs and 2 off-licences observed/visited.</p> <p>6. 8 premises with outstanding invoices visited.</p>
<b>September</b>	<p>1. Invoice Enforcement (Licensing Act)</p> <p>2. Joint operation with VOSA and police</p>	<p>1. Various premises with outstanding invoices visited.</p> <p>2. 15 vehicles checked; 4 rectification notices issued.</p>

### **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 impact in relation to this report.

#### **3.4 Climate Change and Air Quality**

There are no implications in relation to climate change or air quality in this report.

#### **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**

There are no financial implications.

### **3.7 Legal Implications**

No legal issues.

### **3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)**

#### Integrated Impact Assessment

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

#### Human Resources

There are no human resources issues.

## **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. Options**

### **6.1 Options considered**

Members are asked to note the report.

### **6.2 Reasons for recommended option**

This is an information only report.

## **7. Next steps and timelines**

7.1 Not applicable – Information only report.

## **8. Contact officer**

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

[Agenda for Licensing and Safety Committee on Wednesday 1st February 2023, 10.00 am | Kirklees Council](#)

**10. Appendices**

N/A

**11. Service Director responsible**

Katherine Armitage

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