

REPORT TITLE: Licensing Services – Update Report

Meeting:	Licensing and Safety Committee
Date:	Wednesday 18 th December 2024
Cabinet Member (if applicable)	Cllr Tyler Hawkins
Key Decision Eligible for Call In	No No
Purpose of Report The purpose of the report is to inform members of the activities undertaken to discharge the Council’s licensing functions from 1 st October 2023 to 31 st March 2024	
Recommendations <ul style="list-style-type: none"> Members are asked to note the report. Reasons for Recommendations <ul style="list-style-type: none"> The report is for information only. 	
Resource Implications: There are no resource implications relating to this report.	
Date signed off by <u>Executive Director</u> & name	David Shepherd – 24 th November 2024
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney – 02 nd December 2024
Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?	Samantha Lawton - 25 th November 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 services between the period of 1st October 2023 to 31st March 2024.

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 licenses in forces as of 21st October 2024 are set out in the table below: -

Type	No.
Hackney Carriage Vehicles	212
Dual Drivers Licence	3,180
Private Hire Operators	197
Private Hire Vehicles	2,231
Total	5,820

2.3 The following table sets out the number of private hire / hackney carriage applications received by the service between 1st October 2023 to 31st March 2024 and the number comparable during the same months in previous years: -

Licence Type	Application Type	2023/2024	2022/2023	2021/2022
Hackney Carriage Vehicle	New/Renewal	129	115	132
Dual Drivers Licence	New	178	188	80
	Renewal	585	654	806
Private Hire Operator	New	24	24	22
	Renewal	44	42	40
Private Hire Vehicle	New	435	274	327
	Renewal	841	758	801
	Transfer	68	63	81
Total		2,304	2,118	2,289

2.4 Members will note that the number of driver renewal applications is less than the previous two years, the reasons for this are we moved from issuing annual licences to issuing 3-year licenses, in addition during the pandemic the authority were not accepting new driver applications (2020 to 2021) which means there were less renewals during this period.

Vehicle Testing

2.5 The tables below show the numbers of compliance tests carried out by Transport Services between 1st October 2023 and 31st March 2024.

George Street Testing Station						
	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024
Number of Tests	60	133	78	148	127	112
Passed Initial Test	43	94	50	129	77	72
Failed Initial Test	17	39	28	19	50	40
% Passed	72%	71%	64%	87%	61%	64%
% Failed	28%	29%	36%	13%	39%	36%

Vine Street Testing Station						
	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024
Number of Tests	81	133	56	68	61	86
Passed Initial Test	58	94	44	52	50	68
Failed Initial Test	23	39	12	16	11	18
% Passed	72%	71%	79%	76%	22%	79%
% Failed	28%	29%	21%	24%	18%	21%

Vine Street & George Street Combined						
	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024
Total No. Tests	141	208	134	216	188	198
Total Passed	101	146	94	181	127	140
Total Failed	40	62	40	35	61	58
Total % Passed	72%	70%	70%	84%	52%	59%
Total % Failed	28%	30%	30%	16%	48%	41%

2.6 Further details regarding the reasons for failure of tests and numbers of vehicles that have failed in each category in the 6 months between 1st October 2023 and 31st March 2024 are shown in the table below: -

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

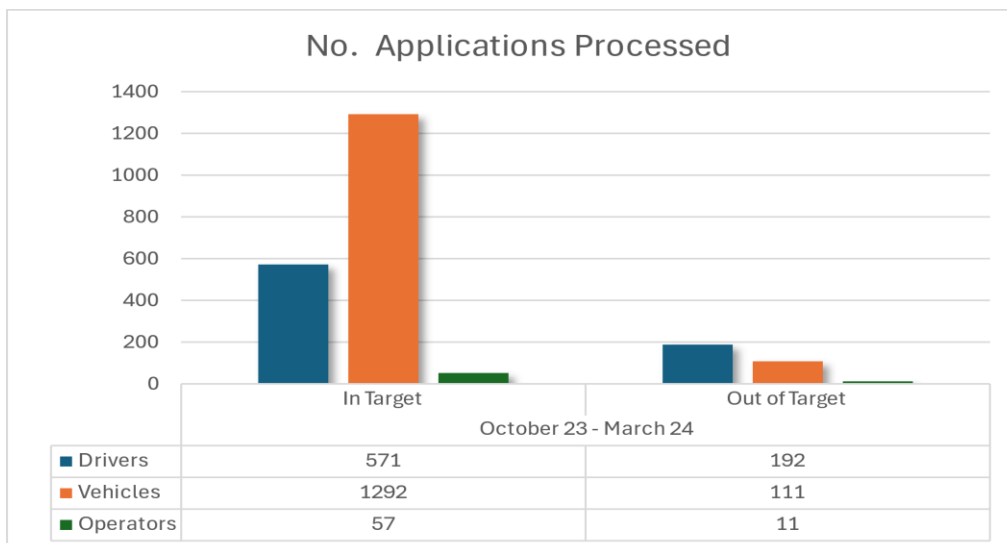
Reason for Failure	Vine Street	George Street	Total	Percentage of total failures (296)	Percentage (Total number of tests 1,085)
Lighting	36	78	114	39%	11%
Steering/Suspension	21	41	62	21%	6%
Brakes	14	31	45	15%	4%
Wheels/Tyres	52	72	124	42%	11%
Emissions Diesel	9	22	31	10%	3%
Emissions Catalyst	0	1	1	0%	0%
Meter Tests	0	0	0	0%	0%
Body Work	0	2	2	1%	0%
Fire Extinguisher	11	2	13	4%	1%
Interior	10	7	17	6%	2%
Other	24	26	50	17%	5%

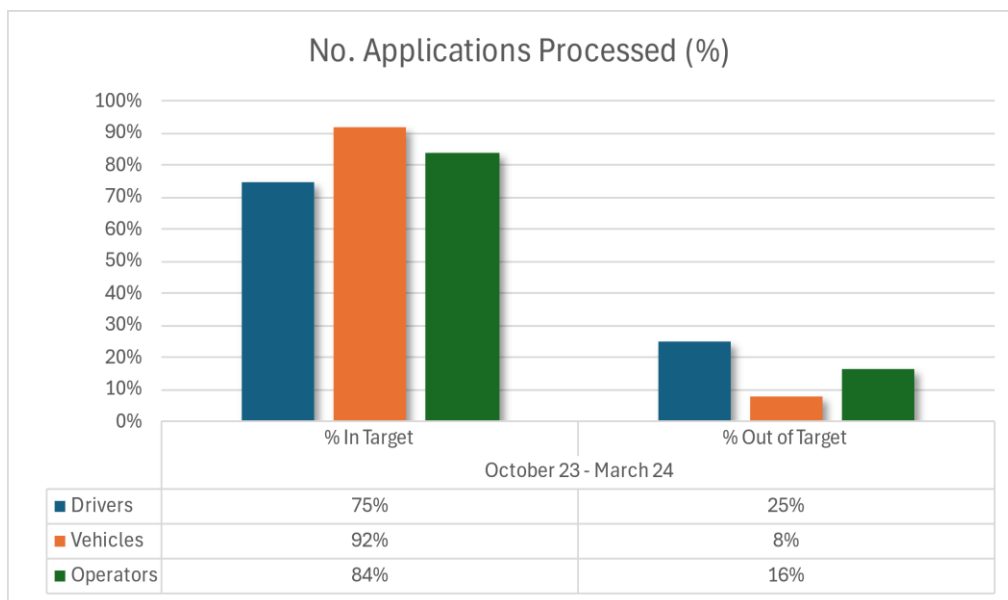
Service Standards

2.7 In August 2021, the Licensing Service introduced its service standards. The service standards are what we aim to achieve in relation to how quickly we will process valid and complete applications that have been submitted. For example, our aim is to process vehicle applications within 5 working days, drivers and operator applications within 10 working days following receipt of the completed application.

2.8 The following tables show how the service performed against the service standards between 1st October 2023 and 31st March 2024:

	October 2023 - March 2024				
	No. Processed	In Target	% In Target	Out of Target	% Out of Target
Drivers	763	571	75%	192	25%
Vehicles	1403	1292	92%	111	8%
Operators	68	57	84%	11	16%





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

	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%

Delegated Decisions

2.9 The table below shows the decisions taken by the Group Leader for licensing regarding new and existing hackney carriage / private hire drivers' fitness and suitability between 1st October 2023 and 31st March 2024.

TABLE A

<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	N/A

<p>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>3. Offences involving violence (including arson, riot, terrorism offences, harassment, common assault & criminal damage) or connected with any offence of violence.</p>	<p>1. New Driver Caution – Assault occasioning actual bodily harm conviction date October 2014. Policy is ten years, caution was issued 9 years ago, account by applicant corresponded with police account, and due to length of time Decision Grant with Warning</p> <p>2. New Driver Caution – threats to kill (2011) Conviction – Harassment (2013) Caution outside policy and due to length of time since the harassment conviction. Decision Grant with warning</p> <p>3. New Driver 2 Cautions – Criminal Damage (2021) Consideration of the incidents which led to the cautions being issued. Decision Grant with warning</p>
<p>4. Possession of a weapon or any other weapon related offence.</p>	<p>N/A</p>
<p>5. Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.</p>	<p>1. Existing Driver Arrested for alleged sexual assault of under 13-year-old girl by touching Decision Suspend with immediate effect</p> <p>2. New Driver Conviction – Sexual Assault – Intentionally touch female – no penetration (2016) Decision Application Refused</p>
<p>6. Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.</p>	<p>1. New Driver Conviction for tax evasion (2022) No exceptional circumstances to deviate from policy. Decision Application Refused</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.	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.	<p>1. New Driver – CU80 use of handheld device and SP30 – no exceptional circumstances demonstrated – Decision Application Refused.</p> <p>2. Existing Driver – CU80 use of handheld device - no exceptional circumstances demonstrated – Decision Licence Revoked</p> <p>3. Existing Driver - CU80 use of handheld device – no exceptional circumstances demonstrated – Decision Licence Revoked (Appeal to court – ongoing)</p> <p>4. New Driver – CU80 use of handheld device and TT99 (totting up) Exceptional Circumstances evidenced for the reason for use of mobile phone (emergency situation was evidenced) Decision Grant with warning</p> <p>5. New Driver CU80 use of handheld device Applicant appealed points/motoring conviction and court upheld appeal.</p>

	<p>Decision Grant with warning</p> <p>6. Existing Driver CU80 use of handheld device Failure to notify the licensing service in accordance with the conditions of licence. No exceptional circumstances provided. Decision Licence Revoked</p> <p>7. Existing Driver CU80 use of handheld device No exceptional circumstances to consider. Decision Licence Revoked (appealed to Court, Appeal dismissed)</p>
<p>12. 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. New Driver – IN10 (insurance) motoring conviction – 28-day DVLA driving licence ban Revoked by 2 other licensing authorities – Application Refused.</p> <p>2. New Driver – IN10 (insurance) motoring conviction – driving whilst uninsured. AC20 motoring conviction – failing to report accident. Failure to declare on application - Application Refused.</p> <p>3. Existing Driver – CD10 motoring conviction – causing endangerment to public and other road users. Complaint – inappropriate communications with female passenger. Licence Revoked</p> <p>4. New Driver IN14 motoring conviction – allowing someone to drive a vehicle uninsured. Consideration taken surrounding circumstances. Decision Grant with warning</p>
<p>13. Hackney carriage and private hire offences.</p>	<p>N/A</p>
<p>14. Vehicle use offences, for example being carried in vehicle without the owner's consent.</p>	<p>N/A</p>

<p>15. 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>	<p>1. Existing Driver Complaint – inappropriate conversation with vulnerable female passenger. Warning letter issued.</p> <p>2. Existing Driver Complaint received – driver reversed into elderly lady, man handled her, took her to supermarket, took payment, failed to call emergency services or any assistance. Supermarket called ambulance. CCTV footage of incident viewed. Decision Suspend with immediate effect</p> <p>3. Existing Driver Complaint about conduct of driver – evidence supplied to prove complainant was not truthful. Decision No further action</p> <p>4. Existing Driver Complaint about inappropriate sexual behaviour towards female passenger. Decision Suspend with immediate effect</p>
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TABLE B

<u>Minor Traffic Offences</u>	<u>Decisions and Reasons</u>
<p>Minor traffic or vehicle related offences – offences which do not include offences involving: -</p> <ul style="list-style-type: none"> • loss of life, • driving under the influence of drink or drugs, • driving whilst using a handheld telephone or other device • No Insurance • Offences which have resulted in injury to any person or damage to any property (including vehicles) 	<p>1. Existing Driver – 9 points for minor motoring convictions, decision – Requirement to undertake driven test and receive written warning.</p> <p>2. Existing Driver – 9 points for minor motoring convictions, decision - Requirement to undertake driven test and receive written warning.</p>

Restricted Licences

2.10 On Wednesday 17th April 2024, the Head of Public Protection and the Chair of the Licensing and Safety Committee, considered a report under delegated authority in relation to a new process/procedure to issue a licence to drivers which is restricted to carrying out school contract work, but will not be permitted to carry out normal / everyday hackney carriage or private hire work.

2.11 It was recommended that the Head of Public Protection and the Chair of the Licensing and Safety committee, in line with delegated authority from the Licensing and Safety Committee to make minor amendments to Licensing Policy, to relax aspects of the new driver application requirements, and agree amended conditions to reflect the restrictions on the licence to carry out school transport contract work only.

2.12 The decision taken by the Head of Public Protection and the Chair of the Licensing and Safety Committee was to agree the proposed new licence type and amendments to policy / process.

2.13 The introduction of a restricted licence is to work with local and national companies who want to undertake school contracts only or want to expand into this area of work. It should be noted that any requirements related to safeguarding have not been relaxed.

Licensing Act 2003 and General Licensing

2.14 The total number of Licensing Act and general licensing licences in force as of 27th September 2024 are set out in the table below:

Type	No.
Premises Licences	1,063
Club Premises Certificate	171
Gambling Licences	626
Sexual Entertainment Venue/Sex Shop	2
Scrap Metal Dealer / Collector	28
Pavement Licence	14
Other General licences/permits	98
Total	2,002

2.15 The following table sets out the number of Licensing Act applications processed by the service between 1st October 2023 and 31st March 2024, and the other columns are a comparison from the same period for the previous 2 years.

Application Type	2023/2024	2022/2023	2021/2022
New	26	29	31

Full Variation	5	6	11
Minor Variation	4	7	10
Transfer	36	42	43
Temporary Event Notices	211	282	272
Total	282	366	367

2.16 The following applications were considered by the Licensing Panel between 1st October 2023 and 31st March 2024.

Application Type	Premises	Outcome
Grant of Premises Licence	Le Sorelle, 5 Pickford Street Milnsbridge Huddersfield	Granted with Conditions
Transfer of Premises Licence	Ravensthorpe Off Licence 618 Huddersfield Road Ravensthorpe	Refused
Grant of Premises Licence	Mirfield Market, 156 Huddersfield Road	Application withdrawn prior to hearing
Grant of Premises Licence	Gourmet Hub, Shop 1 53 Wakefield Road Moldgreen Huddersfield	1 st Hearing Deferred to Dec 2023 2 nd Hearing Granted with Reduction of Hours
S51 Review of Premises Licence	Buccovina Off Licence 644 Huddersfield Road Ravensthorpe	Licence Revoked
Grant of a Personal Licence	N/A	Refused
Grant of Adult Gaming Premises Licence (Gambling Act 2005)	Royal Amusements 23 Northgate Dewsbury	Granted with Conditions
Grant of Premises Licence	Ravensthorpe Off Licence 618 Huddersfield Road Ravensthorpe Dewsbury	Granted with Conditions

Total Number of Applications

2.17 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

2.18 In the period between 1st October 2023 and 31st March 2024, the service received a total of 2,934 applications. In the previous 6-month period between 1st April 2023 and 30th September 2023 the service received a total of 3,057 applications.

Alcohol Toolkit

2.19 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.

2.20 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.

2.21 The toolkit is now available on the Council's website and training will be offered to members in due course.

Business and Planning Act 2020 as amended by the Levelling Up and Regeneration Act 2023

2.22 On Tuesday 2nd April 2024, all Local Authorities in England received a letter from the Department for Levelling Up, Housing and Communities. This was to inform licensing authorities that on 31st March 2024 the pavement licensing provisions laid out in the Levelling up and Regeneration Act 2023 had commenced. This is a permanent replacement for both the temporary provisions introduced by the Business and Planning Act 2020 and the former provisions under the Highways Act 1980.

2.23 In order to comply with the requirements decisions were required to be taken regarding the conditions which would be attached to the licences. These decisions were taken under delegated authority by the Strategic Director for Corporate Strategy, Commissioning and Public Health. The reason this was not brought to members of the Licensing and Safety Committee for a decision was due to the timing of the introduction of the new law which came into effect without prior notice and the need for the decisions to be taken without delay.

2.24 The agreed conditions can be seen at **Appendix 1**.

West Yorkshire Joint Services – Trading Standards

2.25 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.

2.26 While not every premises that is visited is licenced, 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.

2.27 On 10th October 2023, four premises in South Kirklees were visited:

- Premises 1 – Nothing was found
- Premises 2 – The search of the premises found 182 x 20 packets of cigarettes, 20 x 50g pouches of hand rolling tobacco and 88 oversized vapes.
- Premises 3 – The search of the premises found 178 x 20 packets of cigarettes, 24 x 50g pouches of hand rolling tobacco and 95 oversized vapes.
- Premises 4 – The search of the premises found 211 x 20 packets of cigarettes, 42 x 50g pouches of hand rolling tobacco and 38 oversized vapes.

2.28 On 23rd October 2023, three premises in North Kirklees were visited:

- Premises 1 – The search of the premises found 55 x 20 packets of cigarettes, 4 x 50g pouches of hand rolling tobacco and 50 oversized vapes.
- Premises 2 – Nothing was found.
- Premises 3 – Nothing was found.

2.29 On 6th February 2024, four premises in North Kirklees were visited:

- Premises 1 – The search of the premises found 65 x 20 packets of cigarettes, 7 x 50g pouches of hand rolling tobacco, 130 oversized vapes and 30 pouches of shisha tobacco.
- Premises 2 – The search of the premises found 240 x 20 packets of cigarettes, 52 x 50g pouches of hand rolling tobacco, 129 oversized vapes and 11 pouches of shisha tobacco.
- Premises 3 – The search of the premises found 2,449 packets of tobacco, 155 x 50g pouches of hand rolling tobacco and 2 oversized vapes.
- Premises 4 – The search of the premises found 235 x 20 packets of cigarettes and 22 x 50g pouches of hand rolling tobacco.

The Licensing Service Enforcement Activity

2.30 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.

2.31 Between 1st October 2023 and 31st March 2024 officers carried out 17 proactive enforcement operations including evenings/weekends which is an average of 3 per month. The following table provides a brief overview of the enforcement activities undertaken in the 6-month period.

Type of Enforcement Activity Undertaken	
1.	Private hire operator base checks and premises licence invoice checks

2.	Premises licence invoice checks
3.	Licensing Act premises inspections
4.	Private hire operator base checks
5.	Joint visits to Licensing Act premises for inspections with West Yorkshire Police
6.	Premises licence and gambling premises inspections
7.	Hackney carriage and private hire vehicle checks
8.	Private hire operator base checks
9.	Joint visits to Licensing Act premises for inspections with West Yorkshire Police
10.	Joint operator with West Yorkshire Police and VOSA carrying out licensed vehicle inspections
11.	Private hire operator base checks
12.	Premises licence invoice checks
13.	Premises licence invoice checks
14.	Private hire operator base checks
15.	General licensing visits
16.	Joint operator with West Yorkshire Police and VOSA carrying out licensed vehicle inspections
17	Adult gaming centre (gambling) Inspections

3. Implications for the Council

3.1 Council Plan

The issuing of licenses supports the Councils vision for a strong and sustainable economy, playing a key role in the management of the evening and night-time economy.

3.2 Financial Implications

There are no financial implications contained in this report.

3.3 Legal Implications

There are no legal implications.

3.4 Other (eg Risk, Integrated Impact Assessment or Human Resources)

There are no other implications for the Council.

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 consultation 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 14th February 2024, 10.00 am | Kirklees Council](#)

10 **Appendices**

Not Applicable

11 **Service Director responsible**

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Pavement Café Licence Conditions

Business and Planning Act 2020 as amended by S229 of & Schedule 22 to the Levelling Up and Regeneration Act 2023

1. Outside drinking to be restricted to the area covered by the pavement licence.
2. Tables, chairs and other furniture covered by this licence must be removed from the highway, and securely stored, outside of the times stated on the licence. Securely stored means off the highway and away from any area accessible by the public.
3. Sufficient management controls and monitoring should be in place for the collection of glasses, bottles, plates etc. at regular intervals, removal of discarded food wrappers etc. to prevent litter from blowing onto the adjacent highway, including regular sweeping of the area throughout the trading day.
4. At the end of each trading period following the removal of the tables, chairs and other furniture covered by this licence, you must ensure the area covered by this licence, and the area in the immediate vicinity (i.e. to the side and/or front) are clear of any waste/debris.
5. Any spillages onto the Highway must be cleaned immediately, the tables and chairs to be kept tidy, at all times.
6. The premises shall be responsible for the cost of making good any damage to the highway caused by street furniture or usage area.
7. Music must not be played outside the premises at any time. Additionally, windows and doors should not be kept open to facilitate the passage of sound to customers using the external tables and chairs.
8. Sufficient controls should be in place to manage any incidents of disorder.
9. Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footways widths and distances required for access by mobility impaired and visually impaired people as set out in section 3 of the [Inclusive Mobility. A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/guidance/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure) guidance.
10. During the hours of operation, the pavement café area authorised by this licence must remain enclosed with adequate openings to permit access. The function of this enclosure is to demarcate and contain the café but also to give a clear warning particularly to people with visual impairments.
11. Reasonable provisions need to be made for seating where smoking is not permitted. This means that where businesses provide for smokers, they are also required to provide an option for customers to sit in a non-smoking area.
 - There should be clear 'smoking' and non-smoking' areas, with 'no-smoking' signage displayed in your designated 'smoke-free' zones in accordance with the smoke-free (signs Regulations) 2012.

- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- You should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

12. You must temporarily remove your tables, chairs and any other furniture authorised by this licence upon the request of a statutory undertaker (i.e. utility / communications companies) to allow them to access their equipment / services, or an authorised officer of the Council or West Yorkshire Police. Where possible you will be given prior notice of this.
13. You are required to carry out a health and safety risk assessment to take reasonable steps to mitigate the risks identified. This risk assessment shall be made available to authorised officers of the Council or West Yorkshire Police upon request.
14. Advertisement boards and furniture that is not removable are not permitted by this pavement café licence.
15. You must complete a site security plan which is available inspection at any time by authorised officers of the Council, West Yorkshire Police Officers, and Counter Terrorism Officers (working with, for or on behalf of the Police).
16. All management and staff employed are required to undertake the online ACT Awareness Training and evidence of completion of this by management and staff should be kept with the site security plan and be available for inspection by authorised officers of the Council, West Yorkshire Police Officers, and Counter Terrorism Officers (working with, for or on behalf of the Police).