

General Licensing Committee

**Annual Report
2016/17**

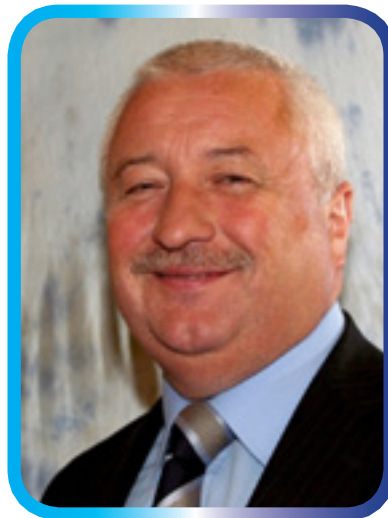


Chair's Introduction

It has been my privilege to serve as Chair of the General Licensing Committee during 2016/17. Licensing is one of the many very important functions which the Council undertakes, impacting upon public safety and local businesses alike. A licensing regime for public transport has been in place since the time of Charles I in 1635, showing its significance not just now but over the centuries!

Whilst this been a turbulent time for the Committee and the officers who report to it, I am pleased to report that a considerable amount has still been achieved (details of which are set out in the text of this report). The year ended with the extremely constructive visit of Commissioner Mary Ney of Rotherham Council, an acknowledged expert in transforming local authority licensing services. Commissioner Ney has given us much food for thought but her view that we were travelling in the right direction is both reassuring and something to build upon.

The year 2017/18 promises to be a further year of change and development within the Licensing function. I genuinely believe that both members and officers are fully committed to this journey and will work together to make it a success. My sincere thanks go to all those members and officers who have worked so hard this year on behalf of the residents of South Ribble.



Cllr John Rainsbury

CONTENTS

SECTION	PAGE
Licensing Function in South Ribble	3
Taxi Licensing	4 - 11
Licensing Act	12 - 13
Gambling Act	13 - 14
Scrap Metal	14
Conclusion	14



THE LICENSING FUNCTION IN SOUTH RIBBLE BOROUGH COUNCIL – WHAT IS ITS ROLE?

The role of the Licensing function is set out in the Terms of Reference attached at the end of this report as Appendix A.

Basically, the Licensing function (including Taxi Licensing, Liquor Licensing, and Gambling Act applications) is administered by 2 separate bodies:

- 1) General Licensing Committee – this covers the licensing of Hackney Carriage and Private Hire vehicles and drivers, as well as Private Hire operators; and
- 2) Licensing Committee – this covers decisions regarding the licensing of alcohol under the Licensing Act 2003.

Please note that this annual report will concentrate on Hackney Carriage and Private Hire vehicles; moving forward, the emphasis of future reports will be widened to include more detail on other activities relating to the Licensing Act 2003, gambling premises etc.



A. TAXI LICENSING

1 Taxi licensing - background

There are basically two separate licensed trades falling within the popular umbrella of “taxis”: Hackney Carriage Vehicles (HCVs) and Private Hire Vehicles (PHVs). The main difference between the two is that taxis ply for hire from taxi ranks and can be hired in the street, whereas minicabs must be pre-booked electronically (by telephone or calling in person at an office).

2 Why do we have a licensing regime for Hackney Carriage and Private Hire vehicles and drivers?

The main purpose of a local authority licensing regime is to ensure public safety. This can come in many forms:

- Vehicles which are accessed by the public must be safe to use on the road. This is ensured by regular 6 monthly testing at approved centres;
- Drivers must be of good character and able to pass the statutory “fit and proper” test. This assesses the previous history of all drivers / applicants with a view to looking at their overall character. Historically, greater emphasis was given to a driver / applicant’s convictions (as evidenced by a criminal records check or DBS as it is now referred to as) but today an equal weighting is given to information such as attitude when engaging with the council, complaints which may have been received, soft intelligence etc.

In addition to a criminal records check (DBS), the Council also requires further reassurance before a licence will be given:

- A comprehensive “local knowledge” examination, which also provides assurance of a driver / applicant’s command of English
- A level 2 NVQ certificate in Road Passenger Vehicle Driving; and
- A group II Medical Certificate completed by the applicants own GP.

It is vital that residents of South Ribble can have full confidence in their local Hackney Carriage or Private Hire drivers and vehicles, and the aim of the Licensing function is to ensure that this is the case.

3 National context

According to the governmental Briefing Paper SN02005 (Taxi and private hire vehicle licensing in England & Wales), published on 10 August 2016, there were an estimated 76,100 Hackney Carriage vehicles and 166,100 licensed PHVs in England at the end of March 2015. Overall, there were an estimated 297,600 licensed taxi or PHV drivers in England.

In comparison, the number of locally-licensed vehicles and drivers is very small (around 0.08%). However, this does not diminish the importance of the work done by officers and members of South Ribble Council at Borough level to ensure public confidence and safety in the local licensed trade.

4 A numerical summary of local enforcement activity undertaken in the following areas:

- Total number of Hackney Carriage and Private Hire drivers and vehicles licensed in South Ribble, as of the 31 March 2017;

Licence Type	Amount
Hackney Carriage Drivers	127
Hackney Carriage Vehicles	115
Private Hire Drivers	148
Private Hire Vehicles	123

- Number of Licenses granted overall in comparison with 15/16 as of the 31 March 2017;

Licence Type	15/16	16/17
Hackney Carriage Drivers	8	8
Hackney Carriage Vehicles	1	4
Private Hire Drivers	13	11
Private Hire Vehicles	1	12
Private Hire Operators	2	2

- Number of licences granted for Operators

Operators are subject to a similar licensing regime as drivers, having also to satisfy a fit and proper test. Licences are now granted on a 5 year cycle.

Total number of Operators in Borough on 31 March 2017 = **18**

- Number of inspections carried out in 2016/17 on licensed vehicles during random vehicle checks carried out by Licensing staff = **61**

2016-17 has been a challenging year for the Licensing Section, with staff shortages and the Section being the subject of considerable external interest. Two officers with minimal previous regulatory experience have stepped into the enforcement role and (it is submitted) have done an excellent job in difficult circumstances. Members are requested to bear this in mind when considering the level and range of enforcement activity undertaken.

5 Summary of investigations undertaken:

There are several instances when officers or members involved in Licensing are called upon to make a formal decision as part of the legal process. These include:

- When a new applicant wishes to be licensed as a Hackney Carriage or Private Hire driver, or as a Private Hire operator;
- When a previously-unlicensed vehicle is to be considered for a Hackney Carriage or Private Hire vehicle licence;
- When an existing licence (for a vehicle or driver) is due to be renewed at the end of its statutory life; or
- When a complaint or other intelligence is received which may impact on the continuing ability of a licensed driver to pass the statutory “fit and proper” test.

In many cases, such decisions can be taken by officers as a matter of routine under constitutional delegation. However, in more contentious cases, the General Licensing Committee is required to receive evidence on such matters and to make a final decision. This evidence is presented at formal quasi-judicial hearings, when elected members are expected to use their judgement in determining the outcome. Any such decisions are open to appeal, which will initially be heard in the Magistrates Court.

The table attached to this report as Appendix B sets out the hearings heard by the Committee during 2016/17. It confirms that the Committee undertook a total of 5 hearings during the year:

- 3 new applications were considered, 2 of which were refused and 1 approved
- The licence of 1 existing driver was revoked and another was allowed to keep his licence but given a severe warning as to his future conduct
- No matters heard by the Committee were taken to appeal

6 External Inspection

Given recent negative publicity surrounding the Licensing Service over the past 18 months, it was decided to commission an independent external review of the Licensing function. Mary Ney, a Commissioner with Rotherham MBC (where was responsible for and acquired a great deal of experience in the Licensing function) attended the Borough between 22nd and 24th March 2017. Ms Ney, who is an acknowledged national expert in the transformation of local authority licensing functions, carried out a wide-ranging fact-finding exercise, including:

- Attending the meeting of the GLC held on 22nd March 2017;
- Carrying out a number of interviews with senior members (Portfolio Holder, Chair of Committee) and officers (Director, Licensing Manager et al); and
- Scrutinising case files on the hearings carried out by the Committee throughout 2016/17.

Commissioner Ney's input is much appreciated and it is pleasing to note that she was positive about the future prospects for the Licensing function. This will drive much of the Licensing function's improvement activity during 2017/18 and the key points have already been incorporated into the Implementation Plan (discussed below).

7 Policy issues:

As well as taking direct decisions which impact on the immediate future of applicants / licensed drivers, the General Licensing Committee is also responsible for determining the strategic direction of the function via its role in setting official policy. The Committee has been very active in this regard during 2016/17 (particularly towards the latter end of the municipal year), with key aspects set out below:

- A revised Licensing Policy was introduced in July 2016. This was an important piece of work which sets the overall tone of the authority's stance towards the licensing of Hackney Carriage and Private Hire drivers and vehicles, and acts as the Council's source of guidance when considering whether to issue a licence;
- A revised and strengthened Convictions Policy was implemented in February 2017 – this is a crucial development as it enables the Committee to take a wider range of information into account when determining the statutory “fit and proper” test in relation to new applicants and existing drivers whose conduct may have fallen short of the conduct expected. This Policy was acknowledged by Commissioner Ney as being at the forefront of such policies nationally and can offer residents of South Ribble increased confidence in the robustness of decisions to be made moving forward;

- Improved governance / investigatory procedures to ensure that members are presented with all relevant information when making their decisions. This includes the introduction of formal interviews of drivers / applicants in order to get the full picture for members' consideration should the matter go to hearing. This innovation is already resulting in an increased number of hearings for the Committee to deal with!
- Implementation Plan – this document sets out the key learning points from Commissioner Ney's visit, as well as measures identified in other audits of the Licensing function in this and previous years, and pulls them together into one composite document. The Implementation Plan is presented to General Licensing Committee on a frequent basis, thereby giving members the necessary reassurance that all appropriate steps to move the Licensing function forward are being taken;
- Forward Plan – this document was adopted by members of the General Licensing Committee in February 2017. It acts as a work plan for the Committee by setting out the timescale for future reports to be presented to it, thereby giving more structure to the Committee's work (for the benefit of members and officers:
- Member Training Plan – this sets out the identified training needs of Committee members and gives officers guidance on where to concentrate their resources to support the Committee in its work; and
- Equalities agenda – the Committee has adopted a broader stance on key policy issues so as to support the equality agenda. For instance, the Committee has asked officers to explore implementation of section 165 of the Equalities Act 2010 (under which passengers in wheelchair-accessible vehicles are to be transported at no extra charge and to receive "reasonable adjustments" such as help in and out of the vehicle).

8 Fees and Charges

In March 2017 the Committee received a report requesting authorisation to increase the licence fees charged by the authority. The new fees have been effective from May 2017.

9 Looking ahead:

The General Licensing Committee has set its aspiration high for its work in 2017/18. Members are keen to maintain the momentum gained in recent months and will be moving forward at pace on a range of issues. These include:

- a) Consolidating implementation plans and continuing to re-visit the working practices of GLC in light of Commissioner Ney's visit; and
- b) Further developing member training.

A proposed Operator scheme is potentially a flagship initiative and consideration will be given to work undertaken this year / how such a scheme may be implemented in 2017/18.

It is also proposed to broaden the scope of enforcement activity undertaken by staff to give greater reassurance to the Committee regarding compliance / best practice in the Borough. An example of good enforcement practice is the test-purchasing exercise conducted in early April 2017, when visually-impaired local residents worked with officers to establish the level of service and customer care they received when using taxi services in the Borough. It is pleasing to note that the two volunteers were treated well on the 4 journeys they commissioned, with no instances of over-charging or other inappropriate conduct. (See pictures below)



c) Social Media

The Section is keen to Increase the positive image of the Licensing Section on social media. Below are some examples we have recently used to promote our services.

Random Inspections Tweet

The stats for this tweet were taken from the period between the 1st Jan 2017 – 15th March 2017 based on our enforcement activity carried out in the local area. This type of enforcement is not pre-arranged with Drivers, it is completely random. As a team we are very happy with a result of 72% vehicles passing with NO DEFECTS!



Guide Dogs Testing Purchasing Tweet

We carried out a test purchasing exercise with the help of Emma from the Guide Dogs Association and a willing local couple, Bill and Gail, along with their guide dogs, Rollie and Yasmin.

In previous years, Bill and Gail have experienced difficulties where taxi drivers have refused the fare with the guide dogs, leaving them stranded and causing upset.

The aim of the exercise was to see how four of our licensed operators would respond to pre-booked journeys whilst carrying three passengers and two guide dogs.

We are the first local authority within Lancashire and Greater Manchester to have approached the Guide Dog Association for such test purchasing and the feedback from Bill, Gail and Emma has been positive.

All four operators used - Avacab, Tardy Gate Travel, South Ribble Private Hire and Millers – passed!

Taxi Licensing TweetHere's a sneak peek of our next Tweet ready to go LIVE!!



Licensing Act Tweet

Below is an example of a 'gentle reminder' tweet created to prompt Licence Holders to keep us up to date with their contact information.





B. LICENSING ACT 2003

The Licensing Act 2003 (LA03) transferred the liquor licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshment, cinemas and theatres.

The number of new licenses issued by us in the year 2016/2017;

Year 16/17	Granted	Total
Personal Licenses	89	1238
Premises Licenses	9	235
Club Premises	0	15
Temporary Events Notice	110	N/A

The Licensing Sub-Committee (created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises), determined one application during the year of 2016/17.

This was for a new premises licence application 'Hutch' in Hutton.

The applicant had applied for a liquor licence with late opening times.

Objections were received by local residents in relation to the opening times applied for. After deliberations, the application was successful with agreed reduced opening hours.



- Local Enforcement Activity undertaken:

Throughout the year random premises inspections are carried out by officers. The aim of the inspection is to;

- 1) Check licence holders are following conditions attached to their licence and are abiding by agreed opening hours; and
- 2) Rectify any issues the licensee may have e.g. an influx of under aged youths attempting to purchase alcohol.



C. GAMBLING ACT 2005

Last year saw the Council continue its functions under the Gambling Act 2005 (GA05). This legislation replaced most of the existing law relating to gambling in Great Britain and much like the Licensing Act 2003 aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council. The Licensing Team now issue premises licenses for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres and casinos.

The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are;

Type	Total
Betting Premises	12
Bingo Premises	0
Adult Gaming Centres	1
Family Entertainment Centres	0
Casinos	0

Other types of Permits/Licenses which form part of the Gambling Act are;

Type	Total
Small Society Lottery Permits	78
Notification of intent (2 or less machines)	67
Gaming Machine Permits	11

Again all yearly maintenance fees as set out in the Gambling Act 2005 which have been set by the Local Authority for the year ending 2017/17 have been received by the Authority.

■ Local Enforcement Activity undertaken:

In February 2017 a joint enforcement inspection along with The Gambling Commission of an Adult Gaming Centre and two Betting Shops was conducted. The outcome was positive with no issues to be concerned about. We deemed this to be a successful exercise.



D. SCRAP METAL DEALERS

In October 2013 the Scrap Metal Dealers Act 2013 came into force in the District. Under this new legislation the Council is responsible for issuing mobile scrap metal collector licences and scrap metal site licences. The Council has issued the following number of licences to date:

Licence Type	Amount
Site Licence	3
Mobile Licence	3

The Licensing Team is responsible for enforcing the legislation in partnership with the Police and Environment Agency and have taken part in two multi-agency operations in the North.

CONCLUSION

The year 2016/17 has been a year of unprecedented change for the Licensing Section. Despite this, officers have worked hard to provide a good service to the local licensed trade as well as offer reassurance to the public and members of the General Licensing Committee. This reports seeks to set out some of the changes which have been made over the past few months and highlight some of the goof work which has been carried out. The Licensing Section sincerely hopes that you will find it a helpful and informative guide to the important work being carried out on your behalf.

End of report