

Licensing and Public Safety Committee Annual Report 2021 -2022



Chairs Introduction

In this report you will see that South Ribble continues to develop and refine Licensing to ensure residents remain safe and secure when accessing regulated services.

As stated within the report, the Licensing Authority have continued to review the Taxi Licensing Policy, we have addressed various issues the with regards to the policy, that have been requested by the trade, via various trade forums held by officers and members and that have been imposed upon us by legislation.

I believe we have worked hard to create an excellent working relationship with the trade, an example of this is the recent taxi tariff increase which was proposed by the trade to members. We engaged with the trade at various trade forums and adopted a new tariff of fares that the trade is happy with.

Since April 2022 I have moved to the role of Cabinet Member, but I will continue to be Portfolio Holder for Licensing, something I am thrilled to still be part of and continue to work with the team and members.

In concluding, I would like to thank our officers for their hard work over the last 12 months, particularly considering the restrictions they faced and overcome during the covid lockdowns.

I wish the best of luck to Cllr Jacky Alty in her new role as Chair, I'm sure the team of officers will continue to support her as they have with me.

Cllr James Flannery



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2. THE LICENSING FUNCTION IN SOUTH RIBBLE BOROUGH COUNCIL

WHAT IS ITS ROLE?

The Licensing Service is responsible for the granting, issuing and maintaining the standards of various types of licences required by statute.

Areas include taxis and private hire vehicles and drivers, personal and premises licences, gambling permits and licences and smaller miscellaneous areas such as scrap metal, mobile homes and street collections.

The service reports to the Licensing and Public Safety Committee who provide governance and oversight to the areas of regulation that fall under the Licensing services responsibility.



3. Taxi Licensing

Background

There are two separate licensed trades falling within the popular umbrella of "TAXI's". Hackney Carriage Vehicles (HCVs) and Private Hire Vehicles (PHVs).



The main difference between the two is that HCVs may ply for hire from taxi ranks and can be hired or hailed in the street, whereas PHVs must be pre-booked, pre booking can come in various forms such as telephoning the Operator, calling in at the Operators base or Office and the advancement in technology has seen mobile phone Apps becoming a more popular choice for companies and customers.

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

SOUTH RIBBLE South Ribble Borough Council
General with South Ribble

Hackney Carriage Driver

Name: _____

Number: _____

Expires: _____



SOUTH RIBBLE South Ribble Borough Council
General with South Ribble

Private Hire Driver

Name: _____

Number: _____

Expires: _____



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.
- Although a large emphasis is placed on a driver criminal record, 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 driver competency test, which also provides assurance of a driver / applicant's communication and numerously

skills, knowledge of policy and use of satellite navigation systems/ maps through out the borough.

- A relevant level 2 NVQ certificate or equivalent or council in house course must be passed before the licence is granted.
- A group II Medical Certificate completed by the applicants own GP or any medical practitioner with access to the driver's full comprehensive medical record.
- An "in-house" CSE test must be completed by all new and renewing applicants.

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.

Data on the total number of Hackney Carriage, Private Hire drivers, vehicles and operators licensed in South Ribble 2021 – 2022

Hackney Carriage Drivers	116
Hackney Carriage Vehicles	95
Private Hire Drivers	114
Private Hire Vehicles	105
Private Hire Operators	15

New licences granted during 2021 – 2022

Over 2021 – 2022 we have started to slowly see drivers return to taxi/private hire work following issues covid has caused for licenced drivers. The following new licenced have been issued.

Hackney Carriage Drivers	10
Hackney Carriage Vehicles	2
Private Hire Drivers	10
Private Hire Vehicles	11
Private Hire Operators	1

Examples of enforcement activity and investigations undertaken in the last 12 months

On the evening of 09/04/2022, our licensing officers worked as part of a multi-agency operation, led by South Ribble Police working in partnership with Road Safety Traffic Team, DVSA and MP Katherine Fletcher.

The operation was based on Tesco car park and consisted of stopping potential vehicles that may have been illegally modified, uninsured, and not in road worthy order.

Although as part of the overall operation was to stop various types of vehicles, our officers worked with the police out in the borough targeting taxi/private hire vehicles or delivery drivers from our licenced takeaways.

Overall a total of 32 vehicles were stopped with the following issues found;

- 3 x vehicles with illegally tinted windows and were handed £50 fines.
- 2 x Illegal number plates, £100 fines.
- 2 x delayed prohibitions
- 1 x immediate prohibition notice
- 3 x delivery drivers with no business insurance,
- 1 x vehicle with an out of date MOT
- 1 x taxi overloaded with people (five instead of four).



It's vital for officers to work with other agencies tapping into their expertise and enforcement powers that our officers may not have.

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 are be taken by officers as a matter of routine under constitutional delegation. Throughout the year officers have dealt with complaints from members of public, regarding its licenced drivers.

However, in contentious cases or where a decision of particular significance is to be made, the Licensing and Public Safety Committee is required to receive evidence on such matters which is presented at a formal quasi-judicial hearing, 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.

Summary of Action at Hearings

Only one hearing was convened within the 2021/2022 financial year.

This was to consider the grant of an exemption to a licenced vehicle to remove its external plates and be exempt from the tinted window policy.

The committee approved the exemptions as the vehicle was of executive standard, the works the vehicle would undertake were that of corporate executive travel and were specific contract requirements.

Increase to Taxi Tariffs

In January 2022 a written request received, advised the licensing authority, that the taxi trade were officially seeking a rise in the taxi tariff set by this authority.



The tariffs had not been increased since 2015.

Drivers had requested that recent factors such as;

- The cost of living since 2015
- Recent fuel price increases
- Second hand vehicle increases
- Impact of COVID on drivers
- lack of grants for licensed drivers be considered

Members agreed that an increase was due, members acknowledge the difficulty drivers were having with recent increases in cost and the impact of covid has on the trade's income.

As a result, the tariffs were increased as requested by the trade. This was accepted positively within the trade.

 SOUTH RIBBLE BOROUGH COUNCIL  HACKNEY CARRIAGE TABLE OF FARES	
<p>Applies to ALL journeys within the Borough Boundary, and to journeys outside the Borough Boundary unless agreed otherwise between driver and hirer, PRIOR to the hiring being commenced. Fares detailed below are the MAXIMUM fares that may be charged. No other charges may be made.</p>	
TARIFF 1	
<p>For hiring commenced between the hours 6.00am and 00.00 (midnight) Monday to Sunday:</p>	
- For the first two tenths of a mile -	£2.70
- For each succeeding tenth of a mile -	£0.20
TARIFF 2	
<p>For hiring commenced between the hours 00.00 (midnight) and 6.00am, Statutory Holidays and Bank Holidays (excluding Christmas and New Year), or when carrying 5 or more passengers on Tariff 1 rates*:</p>	
- For the first two tenths a mile -	£3.50
- For each succeeding tenth of a mile thereafter -	£0.25
TARIFF 3	
<p>For hiring commenced between the hours 6.00pm Christmas Eve and 6.00am 27th December and between 6.00pm New Year's Eve and 6.00am 2nd January or when carrying 5 or more passengers on Tariff 2 rates*:</p>	
- For the first two tenths of a mile -	£4.50
- For each succeeding tenth of a mile thereafter -	£0.35
<p>Extra per person when actually carrying 5 or more passengers on Tariff 3 rates* - £0.40</p>	
<p>Waiting time on each tariff for each period of 20 seconds or uncompleted thereof - £0.10</p>	
EXTRAS (OPTIONAL)	
- For each passenger in excess of 1 for each whole journey	- £ 0.20
- For each article of luggage	- £ 0.20
- For each dog carried (except guide, hearing or other assistance dogs)	- £ 1.00
- For the soiling of the vehicle so as to necessitate valeting; not exceeding	- £100.00
<p>* Driver must make the hirer aware at the START of the journey.</p>	
COMPLAINTS OR COMPLIMENTS	
<p>Details of complaints or compliments should be forwarded to: Licensing Unit, South Ribble Borough Council, Civic Centre, West Paddock, Leyland, PR25 1DH. Remember to note the licence plate number and ask for a receipt for the journey.</p>	
<p>(From: 01/04/2022)</p>	

Taxi Licensing Policy Updates and Changes

The Licensing function has a major role to play with regards to Safeguarding, keeping its policy relevant to any current changes within legislation and best practise guidance.

For this reason, sections of the policy expire and are due to be revised. The Licensing and Public Safety Committee has done a huge amount of work in 2021/2022 to update its processes in all areas. Taking into account not just expired policies but requests from the trade for changes. During 2021/2022 these included;

Vehicle Age Limits

A new policy was introduced from April 2022 replacing the policy that had been introduced in 2015. The new policy introduced incentives to licenced drivers to buy greener, less polluting vehicles, by the way being able to licence an older vehicle for longer if it meets a euro 6 rating.

The changes see certain types of vehicles being able to be licenced for longer providing the new vehicles meet certain emission ratings, as per the criteria below;

When first licenced;

- a) up to 4 years old – all vehicle types
- b) up to 6 years old - Vehicles with a Euro 6 Rating for emissions, or a hybrid or electric vehicle.

Vehicles will continue to be licenced until;

- a) Up to 8 years old - all vehicle types
- b) Up to 12 years old - Vehicles with a Euro 6 Rating for emissions, or a hybrid or electric vehicle.

Any vehicle current performing “special educational needs school transport” may be granted the exemption from being categorised into (a) where its euro rating does not comply with euro 6.

Licensing of Hackney Carriage Vehicles

A new policy was introduced that sees the old grandfather rights policy, being replaced with a policy that caps the number of non-wheel chair accessible vehicles to 100.

We will continue to accept applications for wheelchair accessible vehicles, and do not cap the number of wheelchair accessible vehicles,

meaning the council fulfils its equality duties with regards to its licenced fleet of vehicles.

Tinted Windows

Following a request from the trade, a new policy was introduced that reduced the level of permitted light transparency from 70% to 50% in licence hackney and private hire vehicles.

Resulting in a higher level of tinted windows being accepted on the fleet of licenced vehicles.

This making it easier for licenced drivers to find new vehicles , but still keeping transparency in the windows of vehicles so that passengers can be seen from outside of the vehicle.

NAFN - National Register of Taxi Licence Refusals and Revocations (NR3)

A new policy was introduced that adopts the use of the NR3 register, which records when a applicant has been refused or had a licence revoked with another authority.

Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.

All applications for a new licence or licence renewal will automatically be checked on system. If a search indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it.

HMRC Check Code

A new section of the policy has been added in line with the statutory requirement set by HMRC. All renewal applications of a current hackney and private hire licence will require a “tax check code” obtained through the Gov.uk website. This code must then presented as part of the renewal application documentation, before officers will issue the licence.

Driver Knowledge test changed to Driver Competency Test

Following a request from some private hire operators, we have now changed the test all new applicants must take.

All applicants for a new driver's licence for both types of licence will be required to pass The Driver Competency Test before they can be granted a licence.

The local area element of the test has been changed with a section for using a satellite navigation system and reading a map.

Sections for basic maths, English, licence conditions and highway code have all remained within the test.

Medical Fitness

Policy wording has been updated so that medical certificates can now be completed by the driver's own General Practitioner (GP) or any other doctor with FULL ACCESS to applicant's medical records.

Implementation of the DFT Statutory Standards

A new policy was introduced that adopted minor policy amendments to the existing taxi licensing policy to meet the implied DFT Statutory Standards.

The DFT expects their recommendations to be implemented unless there is a compelling local reason not to.

There is consensus that common core minimum standards are required to regulate better, the taxi and private hire vehicle sector across all local authorities.

As a result, to meet the requirements of the DFT, the following policy amendments have been implemented to the authority's taxi licensing policy over 2021/2022.

Disclosure and Barring Service Checks (DBS)

Policy wording changed requiring DBS update checks to be performed by officers every 6 months. Previous policy wording required these checks to be conducted every 12 months.

Referrals to the Disclosure and Barring Service and the Police

A new policy was introduced regarding referrals made to the DBS service, where information could be relevant to other regulated activities.

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the 'harm test' ; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity.

Fit and Proper Person Test - wording changed

The policy wording regarding applicants fit and proper status to hold a licence has been changed to.

“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

Conviction Policy changes

Although the conviction policy within South Ribble is seen as a strict and stringent policy, some changes to timescales within the policy needed to be changed to meet the new requirements set out within the statutory standards, the following changes have been made to our Convictions Policy;

- **Possession of a weapon** - increased to 7 years must have passed since the completion of the sentence, before the licence is granted.
- **Dishonesty** - a minimum period of 5 years free of conviction or at least 7 years have passed since the completion of the sentence (whichever is longer) should be required before granting a licence.

- **Exploitation** - Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
- **Discrimination** - Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
- **Drink driving** - increased to 7 years where the disqualification relates to driving whilst under the influence/being unfit through drink or drugs.
- **CU80** - using a mobile phone, has been changed to a major traffic offence.

Whistleblowing policy.

A policy has been created and a section added to the website for licence holders to report illegalities or wrong doings in the taxi/private hire trades regulated by South Ribble Borough Council Licensing.

Taxi Trade Forum

The Committee is always conscious of the need to engage with the local licensed trade and to listen to their views at every opportunity.

It is therefore pleasing to report that – after an absence during the covid lockdown – the Taxi Trade Forums have been held quarterly throughout 2021/2022.

The Forum is considered a valuable tool of communication and has been utilised to address issues, reported by the trade. Various aspects from taxi tariffs to policy issues were discussed. Officers are able to provide advance warning of any upcoming consultation exercises or Policy changes. The forum is seen as a necessity for the taxi trade, to have a voice and to give their opinions of any proposed changes to policy.

Forums are held on a quarterly basis and will continue during the coming year.

Looking ahead

2022/2023 will see a report presented to members of the Licensing and Public Safety Committee for their consideration, relating to CCTV. This will include:

- Any changes to policy in line with relevant legislation
- If to mandate the use of CCTV in its licenced vehicles in line with ICO recommendations.

4. 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.

What we licence under the Licensing Act 2003

- **Pubs, Clubs, Nightclubs**
- **Off-Licenses & Stores**
- **Cinema & Theatres**
- **Sports Venues**
- **Hotels & Guesthouses**
- **Late Night Takeaways**



The number of new licences issued in the year 2021/2022;

Personal Licence	57
Premises Licence	12
Club Premises	0
Temporary Event Notice	91

The number of current live licences;

Personal Licence	1328
Premises Licence (No Alcohol)	271
Premises Licence (Alcohol)	60
Club Premises	11

Local Enforcement Activity undertaken:

The overall spirit of working under the Licensing Act 2003 is to form strong and effective partnerships, not just with other agencies but with Licence Holders.

Giving early notice of concerns to Licence Holders should be a routine step unless justification to depart from this approach can be made.

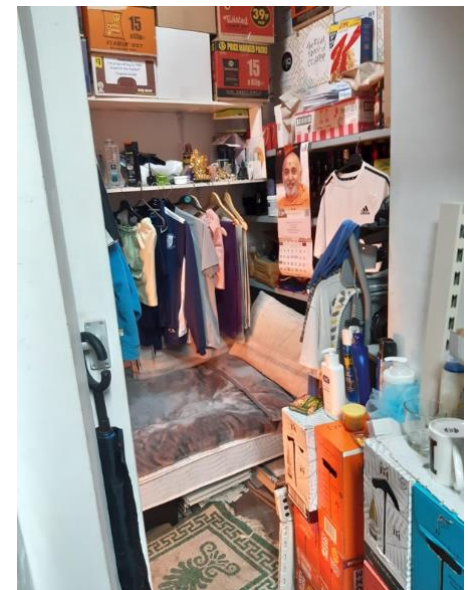
Throughout the year we have continued to conduct joint partnership enforcement exercises with the police, fire service, environmental health and immigration service, along with regular routine visits of licenced premises, checking compliance with their premises licence.

Examples of enforcement activities undertaken by officers

On the evening of Friday 13th March 2022, officers conducted a joint exercise with the immigration service, visiting licenced premises within South Ribble, targeting premises following intel that the business may have be employing illegal workers.

During the evening 4 premises were inspected resulting in the following;

- 1 x arrest of an illegal worker
- 3 x licensing offences found within the premises
- 1 x licence holder sleeping in the business – referred through to fire service to investigate further.
- 1 x premises operating with new owners



The licensing offences have been dealt with by our officers, the case of the illegal worker is still being investigated by the immigration service and may result in action being issued and a review of the premises licence.

On the evening of 25th Feb 2022 officers conducted a joint enforcement exercise with the police licensing team making unannounced visits to 12 licenced premises selling alcohol.

Pleasingly no serious issues were found, but breaches to premises licenced were found in relation to staff training logs and refusal registers for underage sales.

Officers continue to work with licence holders, the pictures below are taken from an off-licence in South Ribble, various issues were recorded by officers;

- *Trading standards* - out of date stock on shelves
- *Licensing/police licensing* - No staff training, no refusal logs, no proof the DPS has been in attendance at the premises
- *Environmental Health* - No hot water facilities, Potentially dangerous wiring, Unsanitary facilities in the store room.
- *Waste services* – licence condition to have in place



Officers have worked with the licence holder, through improvement notices and warning issued, we have negated the need for a review of the premises licence, but officers continue to monitor the premises.

These types of offending premises will always be monitored and tested for underage sales and categorised as high priority.

Pub watch

Throughout the different covid lockdowns, officers continued to hold multiple pub watch meetings.



These meeting were utilised, not just officers from licensing, but the police and environmental health, keeping the trade up to date with various changes in covid legislation and the reopening of premises with restrictions in place. Helping and guiding the licenced trade within south ribble to be compliant with current covid restrictions, keeping our residents safe.

Spiking incidents

We have engaged with the trade through pub watch meetings since November 2021, when the issues around spiking increased. Giving advice of what we expect of premises licence holders, with regards to preventing spiking taking place and being capable of dealing with customers in their premises who may have been spiked.

We have engaged with the police licensing team who identified that the main issues in Lancashire were in Preston and Ormskirk, where the two universities are based.

During Christmas extra ambulance staff and police staff were present in town centres, police neighbourhood and nigh time response teams were prompted of possible incidents, with more “walk through” police and licensing visits performed at possible high-risk premises.

Along with LCC trading standards we promoted at our pub watch meetings a training package for our licence holders to train their staff, door staff etc on the topic of vulnerable customers.

A presentation was made to the trade on this topic by our licensing manager, which covered the following topics:

- Vulnerability of their customers
- Spiking
- How to deal with customers that have been spiked or are intoxicated, and people that may have been separated from their friends.
- How to look out for possible opportunists looking to spike in their premises.
- How to mitigate the risk of drugs in their premises
- Training given to the trade on “ask Angela” for people who may feel intimidated within their premises, and actions they should take.

Funding is currently being obtained to purchase “anti-spiking” bottle toppers, to distribute to high potential premises within south ribble, we will actively ask these type of premises to utilise the bottle toppers and offer them to their customer’s.

5. 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	11
Bingo Premises	0
Adult Gaming Centre	1
Family Entertainment Centres	0
Casino's	0

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

Type	Total
Small Society Lottery Permits	29
Notification of intent (2 or less machines)	82
Gaming Machine Permits	1

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 2021/2022 have been received by the Authority.

Requirements of the Gambling Act 2005

The Licensing Team is obliged to review its Gambling Policy on a regular 3-year cycle. The Committee may recall this was presented to them in December 2021 for their approval.

Only relatively minor modifications were made. This included two minor amendments to the Local area profile, including a map and population information.

The Gambling Policy is next due to be reviewed in January 2025.

6. 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 total number of current licences are;

Site Licence	3
Mobile Licence	2

7. Mobile Home Licensing

Background

In February 2018 the Licensing Committee adopted the 2008 Model Standards- these are a government sponsored blue print for the setting out of residential sites, and

A draft Fees Policy (which would allow the local authority to charge for a variety of functions relating to residential mobile homes. The policy was adopted on the 21 March 2018 and the Council has been able to levy cost neutral fees to cover much of its enforcement activities.



Fit and Proper Persons Register

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") introduced a fit and proper person test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations.

The legislation was adopted in 2021 and the register went live on the council's website from 1 October 2021.

unless the site is exempt, the site owner must:

- be a fit and proper person to lawfully operate a park home site, or
- have a fit and proper site manager in place

Licensed Sites

Carwood Park	83
Penwortham Residential Park	90
Croft Park	35

8. Conclusion

2021/2022 has principally been a year of adopting new and updating current implemented policies.

The past 12 months have been a testing time for officers, who have needed to work hybrid between the office and home due to covid restrictions, in line with Government guidance relating to home working. This whilst keeping a reactive service to complaints received.

There have been a lot of policy changes taken place over 2021/2022 Officers and members have worked closely over the past year to engage the trade to work with them, raising the profile of the Licensing service at South Ribble and show its work in a valuable light.

The team continue to develop their skills in investigations and inspections and have recently undertaken a training course on PACE. They attend regular IOL meetings and keep themselves updated with current legislation. This at times has been a difficult task during 2021/2022 with the constant changes to covid regulations.

Officers have continued to engage with various agencies and conducted multi-agency visits. The emphasis on inspections now goes beyond looking at licensing conditions and instead focuses on “bigger picture issues” making referrals where necessary.

the focus on the multi-agency approach has paid dividend’s resulting in an increased profile with partners, establishing new relationships with the Industries we regulate.

All concerned hope that you will find this annual report a helpful and informative guide to the important work being carried out on your behalf.