

General Licensing Committee / Licensing Act 2003 Committee

Annual Report 2017/18



Chair's Introduction

It has once again been my privilege to serve as Chair of the General Licensing Committee during 2017/18. The first duty of any council is to protect the public it is elected to serve, and the Licensing function plays a pivotal role in Safeguarding and public safety. The Licensing remit covers an incredibly wide area, from taxis and public houses to scrap metal and street collections – the role of a committee member could certainly never be described as dull!

Once again, much of the Committee's focus this year has been on the licensed taxi trade, and I am delighted to report that real strides have been made in making the Council's licensing policies fit for purpose. I am particularly proud that there has been an emphasis on supporting our more vulnerable service users, with new requirements coming into force with regard to the transportation of wheelchair users as well as assistance dogs.

The Committee greatly appreciates the contribution to civic life made by our licensed drivers and operators, and I am pleased that we are once again working in close partnership with colleagues in the trade through the resurrected Taxi Trade Forum. My thanks go to Cllr Mike Nelson for offering to chair this group, a task he has taken on board with relish.

The world of Licensing never stands still, and of course there will be further challenges ahead for us in 2018/19. However, with the continuing support of committee members, officers and the taxi trade, I am certain that we can meet these challenges head on.

As ever, 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



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The Licensing function in South Ribble Borough Council – what is its role?

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 Act 2003 Committee – this covers decisions regarding the licensing of alcohol, late night refreshment etc under the Licensing Act 2003.

As one of several governance changes during 2017/18, the General Licensing Committee has revisited and updated its Terms of Reference. As a result, expanded and more comprehensive Terms of Reference for both the General Licensing Committee and the Licensing Committee were approved by full Council in September 2017.

While the work of both committees is integral to public protection across the Borough, this annual report will once again concentrate on work relating to Hackney Carriage and Private Hire vehicles (as both policy and enforcement has tended to focus on this area). It is still intended that 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 HCVs may ply for hire from taxi ranks and can be hired in the street, whereas PHVs 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. For instance:

- 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; and
- 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 known) 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 in and safety of the licensed trade.

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

- a) Comparative data on the **total number of Hackney Carriage and Private Hire drivers and vehicles licensed in South Ribble:**

Licence Type	Number (March 2017)	Number (March 2018)
Hackney Carriage Drivers	127	130
Hackney Carriage Vehicles	115	111
Private Hire Drivers	148	152
Private Hire Vehicles	123	123

- b) Comparative data on **the number of new licences granted during the last 12 months:**

Licence Type	15/16	16/17	17/18
Hackney Carriage Drivers	8	8	15
Hackney Carriage Vehicles	1	4	9

Private Hire Drivers	13	11	17
Private Hire Vehicles	1	12	18
Private Hire Operators	2	2	0

This year we have seen an increase in new Private Hire & Hackney Carriage Licenses granted.

Since the introduction of our 'Intention Use Policy' we have successfully worked with Licensed Operators to encourage 'out of town drivers' to apply to our Authority.

c) 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 2018 = **17**

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 contentious cases or where a decision of particular significance is to be made, 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

Case Study

In October 2017, a licensed driver was involved in a road traffic incident with a person who was crossing the pedestrian crossing on Hough Lane, Leyland late at night. The person suffered serious injury. As a result, a Panel of the General Licensing Committee revoked the driver's licence with immediate effect.

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 1 sets out the hearings heard by the Committee during 2017/18. It

confirms that the Committee undertook a total of 10 hearings during the year (a significant increase on the total of 5 during 2016/17). Of these:

- new applications for a driver's licence were considered, 4 of which were refused and 2 approved;
- a total of 4 hearings were held in relation to existing licence holders – 3 of these resulted in revocation of the licence, and 1 resulted in a written warning. In addition, a further licence was revoked without a hearing under the emergency SO35 procedure; and
- one of the above revocations imposed by the Committee was taken to appeal at the Magistrates Court – this appeal was rejected and the decision to revoke upheld.

This increase in workload shows the collective impact of a number of improvements introduced by the Committee in the past year or so, including changes to governance procedures; the revised Convictions Policy adopted in Feb 2017; and a more robust approach to bringing matters before committee.

In addition, the committee viewed and considered whether a total of 4 vehicles were appropriate for use for "executive hire" under the Licensing Policy – if so, this would exempt the vehicles from carrying exterior licence plates. On 3 of the occasions, the vehicle was considered acceptable for this status.

Case Study

A Hackney Carriage driver had his licence revoked by members for falsely accusing a Licensing Officer of "identity fraud". The driver appealed to the Magistrates Court in February 2018, where members' decision to revoke was upheld.

6 Implementation Plan

At its meeting on 21 March 2017, the General Licensing Committee was first presented with a draft Implementation Plan, the purpose of which was to combine into a single document the key outcomes from the various recent reviews into the Licensing function. The Plan would be updated on a regular basis, and was colour-coded so that members could easily discern the progress made.

By March 2018, the report contained 33 actions to be implemented. Of these:

- 25 (75%) were considered complete;
- a further 5 (15%) were assessed as in progress; and

- 3 (9%) were still to be commenced (these being larger pieces of work which required a full-time manager to be in post).

The Committee considers that - given resource constraints - this is a commendable effort over 2017/18 which has led to the introduction of more robust administrative procedures and a safer environment for local residents.

The Implementation Plan was reported to the meeting of the Scrutiny Committee on 8 March for their consideration and comment. The Committee was supportive of action taken to implement the Plan during 2017/18 and hoped that a revised version (to incorporate the refreshed policies for 2018/19) would continue to be developed by the General Licensing Committee.

7 Terms of Reference

One of the major procedural changes made by the Committee during 2017/18 was to move from hearings conducted by all members to a new approach whereby hearings would be conducted by a sub-committee or panel of 5. The purpose of reducing the number of members was to provide greater flexibility for the increased number of hearings which now take place, and to allow increased time for members to engage with a driver or applicant who appears before them. This brings the committee's process more into line with that adopted by most other local authorities who retain a committee system.

8 Policy issues:

The Licensing function has a major role to play with regard to Safeguarding, and the General Licensing Committee has done a huge amount of work in 2017/18 to update its processes in this area. Changes include:

- a) bedding in the revamped governance** processes introduced in February 2017, particularly around the "fit and proper" test for licence holders, including the adoption of a new Convictions Policy to allow soft intelligence and (if appropriate) ex parte proceedings
- b) an Intended Use Policy** has been introduced as part of a **campaign to curb drivers coming into the Borough when licensed elsewhere**, over whom the Council has little enforcement control
- c) Mandatory online Safeguarding training** has been introduced. All new applicants for a Hackney Carriage or Private Hire Driver's Licence are required to **satisfactorily complete the online / e-learning training course on Child Sexual Exploitation (2017) run by the Lancashire Safeguarding Children's Board**. Proof of the successful completion of this online course as part of the application process;

- d) all drivers currently licensed with this authority are now obliged to re-take and provide documentary evidence of successful completion of the above course **prior to each subsequent renewal** of their licence;

Case Study

Officers acknowledged that a total of 26 licensed drivers had failed to attend Safeguarding training previously provided. These drivers were therefore contacted and obliged to successfully complete an online Safeguarding exercise. Four drivers declined to attend, and have had their licences suspended for non-compliance pending completion of the Safeguarding course.

In either of the cases in (d) above, evidence of successful completion of the online course must be dated within a **3 month period prior to the date on which a new application or application for renewal is made**. And in all cases, the online test referred to above shall be taken under **officer supervision** at the Civic Centre and only upon production of proof of identity;

- e) Licensed drivers who fail to attend any course required by the Council within a reasonable period of up to 3 months may face suspension by the Licensing Authority.
- f) The Licensing Policy is being changed to require operators to **train dispatch staff on Safeguarding issues** and make records available to Licensing staff
- g) **Professional qualification** - all new applicants for driver's licence are required to possess either:
- A Level 2 BTEC Certificate in Taxi and Private Hire Driver; or
 - an appropriate and equivalent Level 2 qualification.
- These will require an element of Safeguarding as part of the process.
- h) **Tinted windows**
- The requirements of the Licensing Policy have been firmed up to ensure a minimum of 70% light transmission on rear windows. This is intended to ensure that there is visibility in the rear of vehicle, and provide greater Safeguarding reassurance.
- i) In February 2018, the Committee received a report on **implications arising from the potential mandatory introduction of in-cab CCTV**. It was agreed that, given the complexities involved, a pan-Lancashire collaborative approach involving other local authorities should be pursued
- j) The Committee has implemented a number of measures intended to promote the protection and fair treatment of vulnerable service users. These include implementation of various provisions of the Equalities Act 2010:

Consultation exercises

During 2017/18, the Licensing Section has carried out formal consultation exercises on 10 separate occasions, each of which has resulted in a formal change to the Licensing Policy as a result.

- introducing a formal requirement for drivers not to charge more for transporting wheelchair users, or to decline to provide reasonable assistance to persons in wheelchairs; and
- similar protection has been extended to persons with assistance dogs.

In addition, the Committee has devoted considerable energy to the introduction of testing regime for vehicles modified to carry wheelchairs – previously, there was no requirement for the particular modifications to be subjected to regular safety testing. It is hoped that this process will be completed by summer 2018.

9. Member training / work planning / performance measurement

The Committee has made considerable improvements to aspects of its governance over the past 12 months.

For instance, the Committee has formally adopted a training programme. As a result, officers have provided a training session on the statutory “fit and proper” test for licensed drivers, and arranged for members of the committee to observe a committee held by their colleagues at Chorley Council.

On 9 March 2018, members attended a joint training session with Chorley BC’s licensing members; the training was given by the “licensing guru” Jim Button and covered a range of Licensing legislation and best practice.

The Committee has also adopted a Forward Plan to give greater rigour and structure to its workload – this involves identifying key dates / milestones for the provision of information by officers, enabling the committee to take timely and informed decisions.

Officers have developed a comprehensive system of performance monitoring, which has been presented to members on a regular basis. The Committee has influenced the development of the performance framework and as a result has stated its satisfaction with the way in which performance data is reported to it. Whilst software difficulties have impacted on this reporting in the final quarter of the year, it is hoped to resume this reporting in 2018/19.

Case Study

A licensed driver was arrested by the police in October 2017 – he was later breathalysed and found to have 66mg of alcohol per 100ml of breath, hence he was nearly double the legal limit.

The Council revoked the driver’s licence under its emergency Standing Order 35 procedure.

10 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 of at least 12 months – the Taxi Trade Forum has been resurrected. Although attendance by the trade has been variable, the Forum is considered a valuable tool of communication. Officers are able to provide advance warning of any upcoming consultation exercises or Policy changes, and the trade can identify any issues of concern which they would ask the Council to address. Forums are held on a quarterly basis and will continue during the coming year.



11 Working Group

One of the issues raised by the licensed trade at a Forum involved the differential age policy currently adopted by the Council – in essence, the ages at which saloon vehicles could be licensed (4 years for first registration and a maximum age of 8 years) were different to the age limits for wheelchair accessible vehicles (6 years and 12 years). This was felt to be an historical anachronism and no longer justifiable. As a result, committee members agreed to set up a working group (consisting of members, trade representatives and a disability group) to consider the matter. The working group met on 22 February 2018, and followed the methodology used by the Scrutiny process. A report has emerged from the working group's deliberations and will be presented to committee in April 2018



12 Social Media

The Licensing Team has continued to try and promote its messages as widely as possible, and is a keen advocate of the benefits of social media.

Examples of some of the messages put out using the year are set out below;

Tweets and Facebook Posts



During the Festive season we actively encouraged residents to use licensed Private Hire and Hackney Carriage Vehicles.

Our mission was to make the tweets and posts on Social Media light hearted but with a serious hidden meaning.

We pinched this 'cheeky caption' from comedian Peter Kay.

The two posts combined reached over **4000** Residents on [Twitter](#) alone!



Have your say...

Professional Taxi Qualification

Consultation runs
1st - 28th February



QUALIFIED

We also used Social Media as a platform to promote our consultation exercises.

Here is an example of a tweet to boost feedback on a proposed change to our Taxi Licensing Policy.

Here is an example of how we engaged with Drivers for our quarterly **Taxi Trade Forum.**

The image here is used for Facebook and Twitter.

We use the same poster for each Forum and tweak the dates of the meeting.

Drivers have commented that they often look out for the familiar tweet for that ever so important date for their diaries!!



All Taxi Drivers are invited to attend the next

TAXI TRADE FORUM

to be held at

South Ribble Borough Council
Civic Centre, West Paddock, Leyland

on

Thursday 26th October

5pm – 6pm

TAXI

13 Revisiting files of licensed drivers

Given the introduction of a revised Convictions Policy in February 2017 (which introduced stricter criteria to be applied by members in determining whether an applicant or licensed driver met the “fit and proper” test), it was considered appropriate to reassess all licensed drivers against these new criteria. As a result, the files 13 drivers had their files re-considered in detail. Of these, 2 drivers were no longer working in the Borough; 2 drivers received a letter warning them as to their future conduct; and in 9 instances no further action was required.

14 Looking ahead:

The General Licensing Committee has set its aspirations high for its work in 2018/19. Members are keen to maintain the momentum gained over the past year and will be moving forward at pace on a range of issues. These include:

- a) further potential changes to the Licensing Policy around professional qualifications, reviewing the Convictions Policy etc;
- b) considering the introduction of major projects such as the introduction of mandatory in-cab CCTV and an operator accreditation scheme; and
- c) further developing the provision of training for members of the Committee.

B. LICENSING ACT 2003

1 Background

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 2017/2018 is as follows;

Granted	16/17	17/18	Current total
Personal Licenses	89	75	1297
Premises Licenses	9	9	298
Club Premises	0	1	13
Temporary Events Notice	110	111	-

2 Hearings

The Licensing Sub-Committee (created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises) has been convened on two occasions in the past 12 months.

One occasion related to an application brought in relation to the **Withy Arms**, with a view to varying the premises licence to allow use of the rear area / beer garden with a later time limit of 0000 hours. The meeting attracted a number of members of the public, and the members' ultimate decision was to grant the application with conditions imposed.





The Sub-Committee also heard an application for a review of the premises licence held by the **Railway** public house in Leyland. The application (brought by Lancashire Constabulary) related to alleged breaches of the Licensing Objectives for the Prevention of Crime and Disorder and the Protection of Children from Harm, and consisted of several hundred pages of evidence.

After a lengthy hearing, members agreed to impose (with some modifications) a total of 29 conditions on the premises licence. Officers will monitor the situation moving forward to ensure that these are complied with.

Specimen condition imposed on the Premises Licence:

At least once a month, on a Friday or Saturday night, and on at least 3 Bank Holidays during the course of the calendar year, Drug Detection Dogs will be required to attend the Premises to carry out detection of drugs.

3 Local Enforcement Activity undertaken:

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

- a) check licence holders are following conditions attached to their licence
- b) abiding by agreed opening hours
- c) Rectify any issues the licensee may have (e.g. an influx of under aged youths attempting to purchase alcohol).

Number of Premises Licence inspections carried out April 2017 to March 2018;

Total number of inspections as of 31 March 2018 = **149**

Case study

The Licensing Section has received a large number of complaints about a local public house.

Most of the complaints related to noise nuisance which disturbed local residents' right to quiet enjoyment.

Officers worked closely with Environmental Health colleagues and visited the premises on numerous occasions, ensuring that licence conditions relating to noise nuisance were complied with.

4 Training

On 10 July 2017, the Interim Licensing Manager held a “learning hour” for all members on the subject of the Licensing Act 2003; a number of members of the Licensing Act Committee 2003 were present.

The presentation was in a quiz format, which those present seemed to appreciate.

Question topics included matters as diverse as former drinking establishments in the Borough to the use of irresponsible promotions such as the “dentist’s chair” (pictured).



C. GAMBLING ACT 2005

1 Background



During 2017/18 the Council continued to fulfil its statutory 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 licenses for the following:

- bingo halls;
- betting shops;
- adult gaming centres; and
- family entertainment centres

The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are set out below.

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

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

Type	Total
Small Society Lotteries	88
Gaming Machine Permits	12
Notification of intent (2 or less machines)	70

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 2017/18 have been received by the Authority.

2 Looking ahead

The Licensing Section is obliged to review its Gambling Policy on a regular 3 year cycle, and this piece of work will need to be undertaken during 2018/19. This will require the Council to reassess its approach to the topical issue of gambling, which has received prominent coverage in national media over the past months (eg the maximum pay-outs on Fixed Odds Betting Terminals).

This task has been factored in to the Committee's Forward Plan for the coming year, and is likely to take up considerable officer resource over the coming months.

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.



E. RESIDENTIAL MOBILE HOMES

1 Background

At its February 2018 meeting, the Committee received a report on whether to adopt the following documents:

- a) The 2008 Model Standards – these are a government-sponsored blueprint for the setting out of residential sites; and
- b) A draft Fees Policy (which would allow the local authority to charge for a variety of licensing functions relating to residential mobile homes, which it had not been able to do to date.

The Committee considered the consultation responses submitted by a range of stakeholders (including the residents of the 3 currently-licensed sites in the Borough). After due deliberation, members agreed that the report should proceed to full Council with a recommendation for formal adoption of both the Model Standards and the Fees Policy.

2 Looking ahead

This was adopted on 21 March 2018 and the Council is now able to levy cost-neutral fees to cover much of its enforcement activities.

Further discussion will also be needed with the 3 current holders of site licences to see if they will be willing to adopt the Model Standards 2008 on a retrospective basis (as they will only apply automatically to new applicants for a site licence).



F. CONCLUSION

For the General Licensing Committee, the year 2017/18 has principally been a year of consolidation. Collectively, officers and members have worked hard to implement a series of policy changes intended to promote public safety and reinforce the Equalities agenda. At the same time, significant efforts have been made to engage with the licensed trade and engage in constructive dialogue with a major stakeholder.

This annual report seeks to set out some of the changes which have been made over the past few months, as well as look forward into 2018/19.

Officers and members have worked closely over the past year to raise the profile of Licensing and show its work in a valuable light. 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.

End of report