

LICENSING COMMITTEE – 20TH JULY 2021

Report of the Head of Regulatory Services

Part A

ITEM 5 LICENSING UPDATE

Purpose of Report

To provide Members with an update, for the Licensing Team for the period since March 2021 to 14th June 2021.

Recommendation

That Committee Members note the content of this report.

Reason

To provide the Committee, with an update in regard to the Licensing Team's activities, since March 2021.

Policy Justification and Previous Decisions

The Licensing Committee has delegated non-executive responsibility under the Council's licensing provisions which are set out both in legislation and in the Council's Constitution.

Implementation Timetable including Future Decisions

There is no implementation timetable for this report.

Report Implications

Financial Implications

None.

Risk Management

There are no specific risks associated with this report.

Background Papers:

None

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Part B - Background

1.0 Licensing Team

The Licensing Team consist of 4 full time employees and 3 part time employees (the position of part time Licensing Enforcement Officer has been vacant since September 2020)

Licensing work closely with the Council's Customer Service Centre and Contact Centre to deliver the licensing Service.

The current COVID-19 pandemic and necessary social restrictions presents a fast-changing legislative landscape including that of the position of drivers carrying passengers, vehicle MOTS and licensing in general.

In light of government advice about COVID-19 (Coronavirus) in March 2020, Licensing made changes to the Licensing Service. These changes were made to help minimise the risk and spread of the virus.

2.0 Licensing Service changes since March 2021.

2.1 Charnwood Hackney Carriage and Private Hire Drivers

2.1.1 New Drivers

Applications for new drivers remain stopped since March 2020, due to applicants being unable to complete a knowledge test as they cannot access the Council Offices. This is continuing to be reviewed with the written paper needing to be amended to a mixture of written and oral to comply with the new Taxi Standards introduced in July 2020 by the Department of Transport (Dft).

2.1.2 Existing Drivers

The licensing section wished to keep current licensed drivers working. Although they faced the same issues as new applicants, in respect of obtaining medicals, and completing processes such as the DBS countersignature, their medical and criminal history was known. Existing drivers were given the opportunity to renew by completing a 6 month 'intention to renew' initially introduced in first lockdown, which asked the driver to declare medical fitness and any new convictions.

Since May 2021 Licensing have authorised Personnel Checks to carry out Enhanced DBS Applications for the renewing licensed drivers. There is currently a backlog of driver combined licences to be issued from March 2020 when drivers were given a written authorisation to continue driving.

Licensing issue Combined Driver badges to drivers, outside main reception of the Council office's when the drivers DVLA Licence is verified against the driver.

2.1.3 Medicals

The February 2021 Licensing Committee update report advised of the necessity for Licensing to consider how potential barriers to obtaining a licence could be removed.

To reduce the barrier that excessive cost may create or a GP surgeries refusal to do a medical, the Hackney Carriage and Private Hire Licensing Policy, has been amended to allow an existing driver/applicant to use their own GP for a Group 2 Standard medical or to approach any medical practice they choose as long the GP they see, has sight of a summary of their medical records. The driver must obtain their medical summary from the surgery they are registered at before approaching another GP and that GP must view that medical summary and complete the Councils medical form. The Councils medical form has been amended to ensure that the GP completing the form signs to say that they have seen the driver's medical summary.

This has been working well, with a number of drivers choosing to see their own GP whilst others have obtained their medical summary and gone elsewhere for their medical form to be completed. No issues have been experienced with drivers not being able to obtain their medical summary.

2.1.4 DVLA Mandates

During lockdown, applicants and renewing drivers have been unable to provide a completed DVLA mandate to a Customer Service Advisor for their DVLA licence to be verified. Gov.uk offers the facility online to be able to check someone else's DVLA Licence

Licensing have used the Gov.uk online facility <https://www.gov.uk/check-driving-information> to be able to check someone else's DVLA licence with drivers providing a DVLA summary code on their renewal application form.

This enables Licensing to check their DVLA licence, via the Gov.uk website, that they have no endorsement points on their licence or anything that may affect their ability to hold a Charnwood Borough Combined Drivers licence.

Licensing is currently working with Personnel Checks to create a web link with them to enable drivers to apply for both their enhanced DBS and DVLA Mandate via Personnel Checks. This will enable Personnel Checks to check an applicant/licensed drivers DVLA licence annually on the anniversary of their renewal of licence and inform Licensing accordingly.

2.2 Charnwood Hackney Carriage and Private Hire Vehicles

The third garage contracted with Charnwood Borough Council is due to reopen and the online processing of vehicle plates, although time consuming, continues to work well. Licensing have created and added additional back office administrative stages to the renewal process by creating spreadsheets, which enables all licensing staff to be fully aware of each stage whilst working

at home. The renewal process is completed by licensing staff at home, to the point that the plate(s) and livery are to be printed. Licensing staff then access the Council building to print the licence, livery and plates.

Plates are issued to drivers, outside main reception of the Council office's allowing Licensing staff to use a desk within the Customer Service Area to store plates and go out one at a time rather than attempt to carry 4 in one go. 4 appointments are made for drivers to collect vehicle plates per day, at a set time, if licensing staff are available.

3.0 Licensing Act and General Applications

The following Licensing Act 2003 applications have been received by Licensing since April 2020;

New DPS (Designated Premises Supervisor) = 79
New PLH (Transfer of Premises Licence Holder) =32
New Premises Grants (new applications) = 19
Full Variation of Premises Licence = 14
Minor Variation of Premises = 12
TENS (Temporary Event Notices) = 49
Late TENS (Late Temporary Event Notices) = 13
Personals =57

3.1 Licensing Act 2003 Applications.

All Licensing Act applicants where possible have been advised to submit applications via GOV.uk.

3.2 General Licensing Act Applications

All other licence applications, where possible, have been sent through via email to the licensing@charnwood.gov.uk email address.

4.0 Business and Planning Act 2020

In July 2020 the Business and Planning Act 2020 introduced a new temporary legal framework to district Councils for issuing pavement licences which enabled food and drink premises to put removable furniture on the pavement adjacent to their premises in order to sell or serve food and drink. The framework superseded the existing framework for pavement licensing set out in the Highways Act 1980 (issued by Leicestershire County Council Highways for Loughborough Businesses).

Under the new act Councils were required to process application for pavements licences within 2 weeks. Licences must be a minimum of 3 months but could run to the end date of 30th September 2021. This is currently under review and could be extended to 30th September 2022. This would not be an automatic extension and would require those licensed by Charnwood Borough Council to renew their existing pavements licence.

Between August 2020 and June 2021 a total of 27 applications have been received, 15 Pavement licences were issued. All are due to expire on the 30.09.2021. A total of 9 applications were refused and 1 withdrawn by the applicant.

5.0 Hearings conducted under the Licensing Act 2003

There have been no hearings conducted under the Licensing act 2003 since the February 2021 Licensing Committee hearing.

6.0 Hearings conducted for Hackney Carriage/Private Hire Licensing

There have been no hearings held in respect of a Hackney Carriage driver since the February 2021 Licensing Committee hearing.

7.0 Enforcement Actions/Inspections April 2020 to present day

Due to the coronavirus pandemic the routine inspection programmes organised throughout the year for licensed premises, gambling premises and scrap metal dealers have not taken place.

7.1 Licensed Premises Inspections

The Licensing Enforcement Officer has visited 10 licensed premises, during the period from 1st April 2021 to 14th June 2021 A number of licensing visits were carried out along partnership agencies, checking that the premises were Covid Secure. At these visits a full licensing inspection was carried out to ensure that there were no premises licence issues. 17 visits were carried out to check the blue and white notices required to be displayed at a premise as part of the application process. 8 advisory letters were sent to licensed premises with 8 advisory telephone calls to premises The Licensing Enforcement Officer dealt with 5 complaints and fed back to 2 of the complainants as to the outcome.

7.2 Taxi Licensing

Other actions taken with drivers, vehicles and operators included 10 vehicle suspensions where not satisfied with the fitness of a hackney carriage or private hire vehicle licensed by Charnwood Borough Council due to accident damage etc. or other reason such as expired insurance etc.

2 complaints were received in respect of drivers or vehicles. Telephone advice was given to 2 drivers and 5 owners of vehicles with a further 2 letters sent issuing Council Penalty Points to Drivers.

One driver was revoked by the Licensing Manager in liaison with the Head of Regulatory Services. The details of this revoked driver has been added to the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) and passed onto to Leicestershire Police and the other Leicestershire Licensing Authorities.

7.3 Gambling Premises

1 visit has taken place in respect of a gambling licensed premise, and 2 telephone advisory calls in respect of gambling.

7.4 General Licensing

On the 8th April 2021, The Licensing Enforcement Officer took part in a joint agency event for hospitality venues giving advice on re-opening premises and remaining covid secure.

The Licensing Enforcement Officer attended a walk around Loughborough, on the 14th June 2021, with Leicestershire County Council Highways in respect of Pavement licences and the positioning of A boards obstructing the pavement. A number of Premises owners were advised and compliance achieved. The Highways Enforcement Officer is to conduct follow up enquiries on three premises in relation to L.C.C. Pavement licences.

8.0 Future Legislation Changes

There are a number of changes in legislation expected and a separate report will be presented at this Committee in respect of;

- Additional information received in respect of Tax Conditionality for Taxis and Scrap Metal licence holders.
- Changes in the Right to Work legislation for licensed premises under the Licensing Act 2003 and for Hackney Carriage and Private Hire Drivers.
- The Government has now published draft amendments in respect of Temporary Event Notices, off sales permissions and pavement licences. It is expected that these proposed changes will come into effect in September 2021.