



Leicester
City Council

MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE

DATE: TUESDAY, 9 JULY 2019

TIME: 5:30 pm

PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Committee

Councillor Hunter – Chair

Councillor Pickering – Vice Chair

Councillor Singh Johal – Vice Chair

Councillors Cank, Fonseca, Gee, Dr Moore, Sangster and Thomas.

1 unallocated Non-Group Place

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for The Monitoring Officer

Officer contact : Angie Smith
Democratic Support
Leicester City Council
City Hall, 115 Charles Street, Leicester, LE1 1FZ
(Tel. 0116 454 6354)
Email: angie.smith@leicester.gov.uk

Information for members of the public

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- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, **Democratic Support on (0116) 454 6354 or email angie.smith@leicester.gov.uk** or call in at City Hall, 115 Charles Street, Leicester, LE1 1FZ.

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PUBLIC SESSION

AGENDA

FIRE/EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to area outside the Ramada Encore Hotel on Charles Street as Directed by Democratic Services staff. Further instructions will then be given.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business on the agenda.

3. MEMBERSHIP OF THE COMMITTEE

To note the membership of the Committee for the municipal year 2019-20 as approved by the Annual Council meeting on 16th May 2019.

Chair	Councillor Hunter
Co Vice-Chair	Councillor Singh Johal
Co Vice-Chair	Councillor Pickering

Councillor Cank
Councillor Fonseca
Councillor Gee
Councillor Dr Moore
Councillor Sangster
Councillor Thomas
1 Non-Group Place

4. TERMS OF REFERENCE

**Appendix A
(Pages 1 - 4)**

To note the Terms of Reference of the Committee that were approved by the Annual Council meeting on 16th May 2019.

5. DATES OF MEETINGS

To note the dates for Committee meetings for the municipal year 2019-20 approved by the Annual Council meeting on 16th May 2019 as follows:-

Tuesday 9th July 2019
Tuesday 22nd October 2019
Tuesday 11th February 2020
Tuesday 21st April 2020

All meetings commence at 5.30pm.

6. MINUTES OF PREVIOUS MEETING

**Appendix B
(Pages 5 - 8)**

The minutes of the meeting held on 12th February 2019 have been circulated and Members will be asked to confirm them as a correct record.

7. PETITIONS

The Monitoring Officer to report on the receipt of any petitions submitted in accordance with the Council's procedures.

8. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer to report on the receipt of any questions, representations and statements of case submitted in accordance with the Council's procedures.

9. LICENSING SERVICE POSITION STATEMENT

**Appendix C
(Pages 9 - 28)**

The Director of Neighbourhood and Environmental Services submits a report giving an overview of each work area within the Licensing Service.

Members will be asked to note the contents of the report.

10. TAXI STRATEGY - DRIVER LICENSING CONSULTATION

**Appendix D
(Pages 29 - 30)**

The Director of Neighbourhood and Environmental Services submits a report giving details of the proposed public consultation regarding policies and procedures associated with the licensing of taxi drivers.

Members will be asked to comment on the proposed consultation document.

11. ANY OTHER URGENT BUSINESS

Appendix A

LICENSING AND PUBLIC SAFETY COMMITTEE

TERMS OF REFERENCE

1. To secure the health and comfort of the persons living or working in or visiting the City by requiring the observance of proper standards by persons owning or occupying property in or using the streets or other public places in the City.
2. All licensing and registration functions of the Council with regard to the following:-

Licensing Act 2003.

Gambling Act 2005

Hairdressers and barbers.

Sale of pet animals.

Caravan sites.

Conduct of animal boarding establishments.

Conduct of riding establishments.

Hackney carriages and private hire cars and operators and their drivers.

House to house collections.

Street collections.

Pool Promoters.

Exposure of goods for sale in streets (Street Trading).

Scrap metal dealers.

Dog Breeding establishments.

Sexual Entertainment.

Dangerous Wild Animals.

Leicester Doorwatch Scheme

Distribution of free printed matter

Skin Piercing and Tattooists

Street Cafés

Skips, scaffolding and deposits on the highway

Zoos

3. To determine the issue of all statutory licences, approvals, certificates and consents and the maintenance of all statutory registers except in any case where a specific matter falls within the Terms of Reference of another Committee or Sub-Committee of Council.
4. To enforce any other non-executive licensing legislation which the Council is required or empowered to enforce.
5. To exercise the Council's power to take legal proceedings in the public interest in relation to matters within the Committee's Terms of Reference.
6. To keep under review, comment on and provide advice to the City Mayor on policies relating to licensing and registration functions of the Council.

All matters within the Terms of Reference of the Licensing and Public Safety Committee which are not reserved to Full Council, or this Committee as stated below, or to a Licensing Sub-Committee are delegated to the Director Local Services and Enforcement

MATTERS RESERVED TO THE LICENSING AND PUBLIC SAFETY COMMITTEE:-

1. Policy developments of strategic significance relating to the above Terms of Reference.
2. Such other matters as the Committee may from time to time reserve to itself for decision.

LICENSING SUB-COMMITTEES

TERMS OF REFERENCE

The Terms of Reference of a Licensing Sub-Committee shall include the functions of the Licensing and Public Safety Committee with the exception of the consideration of policy issues, which the Licensing and Public Safety Committee has reserved to itself.

MATTERS RESERVED TO THE LICENSING ENFORCEMENT SUB COMMITTEE

1. Applications for a licence, consent or permit where a representation had been received from a ward councillor, a member of the public or an external organisation.(Excluding the Licensing Act 2003 and Gambling Act 2005).
2. Applications for a licence, consent or permit where the Director of Local Services and Enforcement considers that the existing policy does not provide sufficient clarity on determining the application and/or where it would be more appropriate for the application to be determined by the Sub-Committee.
3. Applications for a licence, consent or permit which the law determines cannot be taken by an officer.

MATTERS RESERVED TO THE LICENSING HEARINGS SUB-COMMITTEE

1. Decisions required under the Licensing Act 2003 or the Gambling Act 2005, which the law determines cannot be taken by an officer.
2. Decisions required under the Licensing Act 2003 or the Gambling Act 2005 where the Director of Local Services and Enforcement considers that the existing policy does not provide sufficient clarity on determining the application and/or where it would be more appropriate for the application to be determined by the Sub-Committee.

All matters within the Terms of Reference of a Licensing Sub-Committee which are not reserved to Full Council, the Licensing and Public Safety Committee or a Sub-Committee as stated above, are delegated to the Director of Local Services and Enforcement.

N.B. The City Council's Constitution Council Procedure Rules 4 4 (i) (iv) states that decisions which, in the opinion of the Monitoring Officer, are of a quasi- judicial nature, which includes the decisions of a Licensing Sub-Committee may not be the subject of an Objection.



Leicester
City Council

Appendix B

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: TUESDAY, 12 FEBRUARY 2019 at 5:30 pm

P R E S E N T:

Councillor Thomas (Chair)
Councillor Hunter (Vice Chair)
Councillor Singh Johal (Vice Chair)

Councillor Cank
Councillor Fonseca

Councillor Sangster
Councillor Shelton

Councillor Unsworth

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50. DECLARATIONS OF INTEREST

Members were asked to declare any interest they might have in the business to be discussed on the agenda. No such declarations were made.

51. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 23 October 2018 be approved as a correct record.

52. PETITIONS

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

53. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

54. LICENSING AUTHORITY POWERS TO REVOKE OR SUSPEND PERSONAL LICENCES

The Director of Neighbourhood and Environmental Services submitted a report which advised the Committee of changes to the Licensing Act 2003 and introduced revised procedures. The Committee was recommended to note the content of the report and were asked to approve the general processes as set out in the appendices to the report and agree that any minor changes to the procedure could be agreed at officer level.

The Licensing Enforcement Manager presented the report. Members were informed that prior to 6 April 2017 only the Magistrates Court had the power to revoke or suspend personal licences, following which Section 138 of the Policing and Crime Act 2017 came into effect which made a change in the law which also gave local authorities the power to revoke or suspend personal licences. Any person with a personal licence would be affected by the change.

The Committee Members were asked to note that when officers were made aware of a conviction for a relevant offence or immigration penalty, the final decision to suspend or revoke a personal licence must be made by the Licensing Sub-Committee and could not be delegated to officer level. The process could only be started when a criminal prosecution or relevant disposal was complete and the appeal period had passed. The Police or Home Office could also make the Licensing Authority aware of relevant offences.

Members would have the option of four decisions at a hearing: to take no action; to issue a warning letter; to suspend the personal licence for a period not exceeding six months; to revoke the personal licence. The decision to revoke a licence was final. If any of the other options were made at a hearing, then by law the Police / Home Office would be written to for comment, either of which could also request revocation of the personal licence. A second hearing would be held for Members to consider the original information, the new representations from the Police / Home Office and give a final decision. Immigration was stipulated in the legislation as immigration offences, and the Home Office were a responsible authority under the Licensing Act.

The Chair said he did not object to the Council being charged with suspending and revoking licences, and supported the recommendations as outlined in the report.

RESOLVED:

That the Licensing and Public Safety Committee:

1. Note the contents of the report;
2. Approve the general processes as set out in Appendices A and B in the report;
3. Approve any minor changes to the procedure as required at officer level.

55. TAXI STRATEGY - UPDATE

The Director of Neighbourhood and Environmental Services submitted a report which informed the Committee of the work plan in relation to the Taxi Strategy. The Committee was recommended to note the report.

The Chief Licensing Officer presented the report. The Committee Members were informed that the taxi licensing policy was being updated to ensure it was fit for purpose, and to bring in improvements for the travelling public, trade and Council, including improvements to air quality. A number of draft deliverables had also been put before the Deputy City Mayor to be achieved by 2025. The proposed work programme would take account of work in progress, officer resources and election related constraints.

A discussion took place on the various aspects of the draft taxi strategy and the following points were raised:

- Committee Members would like to see better control of information with regards to data protection and that data protection training for taxi staff and drivers and how they hold information be provided before they were given a Hackney Carriage and Private Hire Vehicle Driver's Licence. Members were asked to note that for contract work the Passenger Transport System section dealt with school contracts. Any questions in relation to the control of information on school contracts should be directed to the council's Passenger Transport service. Further, for the tendering of contracts, the taxi company needed to be on a select list and will have signed data protection agreements.
- Members asked what happened to information that identified a person after a call, for example, name, address and phone number. The meeting was informed that taxi companies should have their own data protection procedures. It was agreed licensing officers would look into the point raised in more detail.
- Members requested an amendment be made to the report at 2.2 to allow the Licensing and Public Safety Committee to discuss with the Deputy City Mayor the draft Taxi Strategy, and that the Deputy City Mayor be invited to a future meeting of the Committee.

RESOLVED:

That:

- Members note the report
- In relation to paragraph 2.2 of the report Members of the Committee requested to be updated on and allowed to comment on the proposed Taxi Strategy.
- The Deputy City Mayor be invited to a future meeting of the Committee when the draft Taxi Strategy was presented.

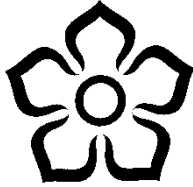
56. ANY OTHER URGENT BUSINESS

The following points were raised:

- The Child Sexual Exploitation awareness course to be mandatory for taxi drivers and should be completed before a Hackney Carriage and Private Hire Vehicle Driver's Licence be issued. This would be included in the policy review as part of the work on the taxi strategy.
- The government launched consultation on new rules for licensing authorities outlining how they should use their powers to protect vulnerable passengers from harm. An update on statutory guidance was planned by the Department for Transport. The Government had responded to the Task and Finish Group's report on taxi and private hire vehicle licensing.

57. CLOSE OF MEETING

The meeting closed at 6.31 pm



Leicester
City Council

WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee

9 July 2019

LICENSING SERVICE POSITION STATEMENT UPDATE

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. The purpose of this report is to update members on each of the work areas within the Licensing Service
- 1.2. The Licensing Service comprises of three teams, Licensing Applications, Licensing Enforcement and the Vehicle Testing Station.
- 1.3. This report gives a summary of each work area and details any particular areas of note.

2. Recommendations

- 2.1. Members are recommended to note the content of the report.

3. Background

- 3.1. The Licensing Process can be thought of in terms of applications in a range of areas, which are determined in accordance with legislation and policy. Licences can be refused or granted either with or without conditions. If justified, licences can be subsequently suspended or revoked.
- 3.2. The Licensing regime at the City Council is, in general, fully funded from licence fees. This included work carried out by other areas of the authority, for instance legal services etc. which relates to licensing. The exception to this is where there is no fee or where fees are set by government and more work is undertaken that can be fully funded, for instance in relation to the Licensing Act.

3.3. Roles and Responsibilities

Mayor and Executive:

Determination of policies, fee setting, allocation of resources, setting priorities.

Full Council:

Determination of Licensing Act Policy and Gambling Act Policy

Licensing and Public Safety Committee:

Maintaining an overview on licensing matters, scrutinising processes and procedures, making recommendations and acting as a consultee on licensing policies.

Licensing Enforcement Sub-Committee:

Determining applications reserved to the sub-committee by the constitution

Licensing Hearings Sub-Committee:

Determination of applications under the Licensing Act and Gambling Act where the legislation requires a hearing to be held.

All other matters:

Director of Local Services and Enforcement including further delegation to other officers, includes determination of most applications

- 3.4. Licensing Policy & Applications Team – This team deals with enquiries, receives and processes applications for most the work areas, determines applications for licenses and other permissions in accordance with legislation and LCC Policies. The team also conducts the knowledge check internally and arranges the CSE course with the external provider.
- 3.5. Licensing Enforcement Team – This team has statutory duties to investigate review and ensure compliance with licensing conditions set both within legislative areas as well the council's policy conditions. It also has responsibilities to conduct enforcement operations with partner agencies and as a prosecution agency. The Licensing Enforcement Team contributes to:
- Keeping children and young people safe from harm (Alcohol licensing; taxis)
 - Protecting vulnerable people (gambling; alcohol; taxis)
 - Support small businesses (by enforcing against non-compliant businesses)
 - Regulation of goods and services to provide safe access for the public
 - Preventing Public Nuisance
 - Preventing Crime & Disorder
 - Preventing cruelty to animals & regulating Animal Welfare
- 3.6. Licensing Vehicle Testing Station – The council operates a vehicle testing station which conducts twice yearly statutory compliance tests as well as enforcement spot checks on licensed taxis. The testing station also conducts MOT tests on private vehicles for members of the public. The operation is self-financing. The Vehicle testing Station also provides licensed vehicle compliance testing for Oadby & Wigston Council and also provides an independent facility for multi-agency enforcement checks.

4 Financial, Legal and Other Implications

Financial Implications

4.1 There are no significant financial implications arising from this report.

Colin Sharpe, Head of Finance, ext. 37 4081

Legal Implications

4.2 The information given in this report does not of itself raise any legal issues. Members should however be aware that the exercise of Licensing functions is underpinned by legislation, statutory guidance and case law. The Council's Legal services attend most Committees and will provide appropriate guidance and support to members.

Feizal Hajat, Solicitor - Legal Services

5 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

6 Background Papers

None

7 Consultations

None

8 Appendices

Appendix A – Licensing Enforcement Team Narrative (2018/2019)

Appendix B – Licensing Policy & Applications Team Narrative (2018/2019)

Appendix C – Licensing Vehicle Testing Station Team Narrative (2018/2019)

Report Author

Tj Mavani, Licensing Team Manager (Enforcement)

Appendix Contributors

Bobby Smiljanic, Licensing Team Manager (Enforcement)

Deborah Bragg, Licensing Team Manager (Policy & Applications)

Adam Broome, Licensing Team Manager (Vehicle Testing Station)

Neighbourhood and Environmental Services Regulatory Services 2018/19 Team Narrative & Work Programme

TEAM/COSTCENTRE: Licensing Enforcement	STATUS: Delivers Statutory Functions	MANAGERS: Tj Mavani/Bobby Smiljanic	EXECUTIVE LEAD: Cllr Piara Singh Clair
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Strategic Fit

The work of this team sits within the Licensing Service as a whole. This team has statutory duties to investigate, review and ensure compliance with licensing conditions set both within legislative areas as well as the council's policy conditions. It also has responsibilities to conduct enforcement operations with partner agencies and as a prosecution agency.

Services

The regulatory monitoring aims to ensure compliance with legal requirements and licence conditions, prevent, detect and enforce against unauthorised licensable activities.

The main licensing areas dealt with are (35 different areas in total):

- Alcohol, entertainment and late night refreshment (Licensing Act 2003)
- Gambling premises (Gambling Act 2005)
- Taxi vehicles, drivers and operators (Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847)
- Sex shops and sexual entertainment venues (Local Government (Miscellaneous Provisions) Act 1982)
- Animal Welfare Licensing, Zoos, Dangerous & wild animals (Various Legislation)
- Scrap metal dealers (Scrap Metal Dealers Act 2013)
- Skips and scaffolding on the highway
- Street cafes (Highways Amenities Act 1980)
- Street trading Local Government (Miscellaneous Provisions) Act 1982 & Leicester City Act 2006)
- Charitable collections (Police, Factories Etc. (Miscellaneous Provisions) Act 1916)
- Distribution of free printed matter

The service contributes to:

- 1) Keeping children and young people safe from harm (alcohol licensing; taxis)
- 2) Protecting vulnerable people (gambling; alcohol; taxis)
- 3) Support small businesses (by enforcing against non-compliant businesses)
- 4) Regulation of goods and services to provide safe access for the public
- 5) Preventing public nuisance
- 6) Preventing Crime & Disorder
- 7) Preventing cruelty to animals & regulating Animal Welfare

The enforcement team also supports the work of the statutory multi-agency Safety Advisory Group and works with the Events Advisory Group on large scale events (Caribbean Carnival, Leicester Pride, Oktoberfest, West End, Riverside Festival, University Events, Fresher Student Events) as well as concerts (Elton John, Kasabian etc) to ensure correct licenses are in place, enforcement of any licenses in place and ensure compliance with conditions and legislative requirements. The enforcement team also provides advice to all agencies within the council such as (Trading Standards, Noise Team, Public Safety, ASB Teams, Planning, Emergency Planning, Festival & Events and Highways & Traffic) as well as for the emergency services (Leicestershire Police, Leicestershire Fire & Rescue Service as well as the Leicestershire Hospitals).

We work with other enforcement agencies when conducting different enforcement operations or warrants such as HMRC, Immigration Service Police, Leicestershire Fire & Rescue Service and Driver Vehicle Standards Agency etc.

The Licensing Enforcement Team also services hearings relating to applications submitted for most of the areas of work by the service. This includes presenting all of the reports to the Licensing Enforcement-Sub Committee for determinations.

Licences in Force at 30/04/2018

<u>Licence Type</u>	<u>Number in Force</u>
Adult Gaming Centre Premises Licence	4
Animal Welfare Licensing	8
Betting Premises Licence (in respect of a track)	1
Betting Premises Licence (in respect of premises other than a track)	60
Bingo Premises Licence	3
Club Certificate WITH Alcohol	50
Club Gaming Permit	1
Club Machine Permit	26
Combined HC/PH Driver	2157
Converted Casino Premises Licence	3
Distribution of Free Printed Matter	11
Family Entertainment Centre Gaming Machine Permit	3
Hackney Carriage	325
Hackney Carriage Waiting List	142
House to House Collection	21
Licensed Premises Gaming Machine Permit	23
Notification of Intent to have Gaming Machines	115
Street Café (Highways Amenities)	108
Personal Alcohol Licenses	4174
Premises Licence (Vehicle) NO Alcohol	5
Premises Licence NO Alcohol	224
Premises Licence WITH Alcohol	1066
Private Hire Operator	100
Private Hire Vehicle	1474
Scaffold/Hoarding/Deposit Licence	51
Scrap Metal Dealer – Mobile Collector	30
Scrap Metal Dealer – Site Licence	21
Sex Shop	2
Sexual Entertainment Venue	3
Skip Licence	25
Small Society Lotteries	146
Street Collection	24
Street Trading Consent	88
Temporary Event Notices	Varies

Key Performance Data (for 2018)

Licensing Enforcement – Interventions and Activities

Licensing Act Actions/Insp	Gambling Act Actions/Insp	Scrap Metal Actions/Insp	Taxi Spot Checks (Vehicles)	Taxi Flipping Check (Vehicles)	Other Inspections	Licensed Event Advice	Complaints/ Enquiries (incl) Investigation	Penalty Points Warnings	Licensing Applications Reviewed
88	9	4	112	33	31	137	539	63	335

Licensing Enforcement - Enforcement Actions

Licensing Act Agreements/Reps/ Reviews	Taxi Operations Enforcement	Taxi Vehicle Suspensions/ Revocations	Penalty Points Case Reviews	CSE Driver Suspensions	Prosecutions	Licensing Act Non Payment Suspensions	Enforcement Committee Hearings
1	1	292	33	47	18	124	56

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Current Establishment (including Recruitment)

Enforcement	Management	Officers	Support	Other
In post	0.5	3	1	1 (Joint Apprentice)
Current Vacancies	1	2	0	0
Further Recruitment	0	3	1 (Business & Admin Support)	3 P/T Taxi Marshalls (Agency to Perm)
Total Enforcement Establishment	1.5	8	2	3 P/T Marshalls

Work Programme (2018/2019) 'This programme is based on Fully Recruited Establishment'

- To progress, maintain & enforce the Penalty Points Scheme along with establishing the Taxi Marshall Scheme
- To continue assessing & investigating medical forms for new & renewal driver applications to ensure compliance with required standards
- To liaise & provide professional assistance to agencies, promoters & venues for high risk promoter led licensing events to ensure safety of public and compliance
- To continue to be part of the Events Advisory Group & Safety Advisory Group to provide expertise advice & knowledge for events in the City. This includes providing enforcement resources to such events.
- To ensure compliance of Licensing Act premises suspensions after suspension for Non Payment of Fee to prevent unauthorised activities & to take any subsequent enforcement action required.
- To deal with drivers failing to comply with attend their vehicle 6 monthly inspections, including suspensions and subsequent revocations of vehicles
- Suspension visits for drivers not returning required Disclosure Barring Service Certificates which is to safeguard the public
- To continue to investigate, plan and carry out individual or spontaneous enforcement operations in respect of complaints or intelligence & to take any subsequent enforcement action required.
- Assessment of pre licensing standards of drivers and preparation & presentation of Committee Reports
- Visiting of off licenses re drinking on premises and check compliance with conditions based on complaints or intelligence
- Management review & evidence tasking of all prosecutions prior to legal submission based on risk matrix
- Carry out investigations to support policy development & review
- Carry out consultations & assessments of pre licensing requirements & produce report for all new applications for street cafes
- To provide training in relation to alcohol testing
- Set up of one generic email address and one generic Licensing Enforcement contact number for enquiries & reports. This needs to be monitored and managed every day.
- Continue to be part of joint agency planning & enforcement groups to ensure partnership working
- To deal with all complaints & enquiries promptly
- To implement recruitment & training introductions
- To progress work with improving and updating guidance that the Enforcement Team are responsible for and providing more online presence for application completion.
- Assist in implementation of '2 step' fees

Demands of Service (2016/2020)

The following issues are identified as significant for development and regulatory intervention in Leicester:

- Increase in complaints regarding relaxation of sub contract/cross border hiring legislation
- Increase in driver applications and subsequent drivers as technology companies become more stringent on cross border hiring
- More reactive work due to businesses not being inspected regularly on current staffing establishment
- Increase in licensed premises work due to cost saving initiatives in partner agencies

Financial Information

Funds are available within the Licensing budget. Licensing is fully resourced from licence fees, which are ring-fenced and cannot be used for other purposes. Any surpluses would ultimately have to be passed onto customers in reduced fees.

Other Providers

There is an appetite for an investigation into a possible Joint Police/Licensing Authority Enforcement Section or a co-habiting partnership.

Strategic issues

- Government action and next steps for reform: awaiting the response to the Law Commission's report
- Putting passenger safety at the centre of licensing policies and decisions
- Effective partnership working between local licensing authorities, the DVSA, police, other council services and local businesses
- The new role of licensing authorities in safeguarding children
- Ensuring access for all: tackling issues of disability and discrimination
- Opportunities and risks posed by new technologies such as Uber

Performance Target Data (2018) & Projected Targets (2019)

Target Description
Driver & Vehicle Enforcement
Taxi Flimping (Operation)
Vehicle Spot Checks with Police (Operation)
Detect Unlicensed Drivers (Operation)
HCV failing to use Meters (Operation)
HCV failing to convey wheelchairs (Operation)
Drivers failing to carry assistance dogs (Operation)
Out of Town Taxis Spot Checks with VOSA (Operation)
Taxi Rank Inspections (Operation)
PH Operators compliance Checks
Licensing Act
Joint Agency Premises Inspections
Premises Compliance Checks
Off Licence Drinking on Premises Enforcement Checks
Late Night Refreshments Closing Time Compliance Checks
Counterfeit Alcohol Dip Sample Testing Enforcement Premises
Alcohol Underage Sales Enforcement (Operation)
Gambling Act
Inspect all premises (Twice Yearly)
Gambling Underage Test Purchase (Operation)
Sexual Entertainment Venues
Inspect all SEV premises
Conduct Performer welfare Checks
Inspect all Sex Shop premises
Street Cafés
Inspect all Licensed Street Café premises
Street Trading
Inspect all licensed Street Trading Premises/Locations
Scrap Metal Dealers
Inspect all Scrap Metal Premises
Animal Licensing
Full inspection of all Pet Shops
Full inspection of all Animal Boarding/Breeding Premises

Key Achievements 2018

Licensing Authority Enforcement Team

Taxi Enforcement Vehicle Stop Checks:

(LCC Enforcement, LCC Taxi Examiners (VTS), Leicestershire Police)

2 x Enforcement Operations

70 x Vehicles inspected by examiners

22 x Suspended for failing vehicle examination

We also conducted a joint operation with the British Transport Police, DVSA, and Leicestershire Police under Operation Rust at the Train Station.

47 x Vehicles stopped and checked

10 x Vehicles found with faults

1 x Immediate Prohibition issued

8 x Penalty Points Tickets issued for breaches

Prosecutions:

18 x Prosecutions (4 x Successful & 14 x Pending)

Flimping x 12

Refusal to Convey Guide Dog (Equality Act) x 3

Refusal to carry Wheelchair (Equality Act) x 1

Unlawful Street Trading x 2

Child Sexual Exploitation (CSE) Enforcement & General Licensing Committee Referrals:

47 x Drivers suspended for failing to complete mandatory CSE course

2 x drivers x Referred to Licensing Enforcement Sub-Committee regarding their CSE courses

32 x drivers/applicants referred to Licensing Enforcement Sub-Committee for other reasons

Penalty Points:

53 x Notice of Intent to issue penalty points given to drivers

160 x Total Points issued to drivers for:-

Failure to Display Plate/Signs

Driving unroadworthy vehicle

Parking Contravention

Failure to attend 6 monthly vehicle examinations

Failure to wear ID Badge

Other:

Full implementation of new Animal Licensing Legislation

Full transition for Street Café Application forms to online format

Implementation of Licensing Taxi Marshall Scheme

Neighbourhood and Environmental Services Regulatory Services

TEAM/COSTCENTRE:	STATUS:	MANAGER:	EXECUTIVE LEAD:
Licensing Policy & Applications Team	Delivers Statutory Functions	Deborah Bragg	Cllr Piara Singh Clair

Strategic Fit

The section contributes to:

- Keeping children and young people safe from harm (alcohol licensing; taxis)
- Protecting vulnerable people (gambling; alcohol; taxis)
- Support small businesses (by enforcing against non-compliant businesses)
- Regulation of goods and services to provide safe access for the public

Services

The overall Licensing Section develops Council policy in a range of areas, determines applications for licences and other permissions, and carries out compliance monitoring and enforcement activities.

The Policy & Applications team deals with enquiries, receives and processes applications, and issues permissions in accordance with legislation and LCC policies. Due to the nature of the work, the team is reactive because it depends on applications being made.

The main licensing areas dealt with are:

- Alcohol, entertainment and late night refreshment (Licensing Act 2003)
- Gambling premises
- Taxi vehicles, drivers and operators
- Sex shops and sexual entertainment venues

- Pet shops, animal boarding, animal breeding, performing animals, dangerous wild animals, horse riding establishments
- Scrap metal dealers
- Skips and scaffolding on the highway
- Street cafes
- Street trading
- Charitable collections
- Distribution of free printed matter

Demands of Service (2019/2023)

The following issues are identified as significant for the Policy & Applications team:

- Review of taxi strategy, including a possible shift to low emission vehicles and focussing on public safety
- Working with Transport Development Team to encourage taxi drivers to apply for grants to purchase ULEV's in order to work towards the City Mayors plans for quality public transport
- Channel shift and digitalisation
- Replacement of Licensing software with a completely new system (as part of the Regulatory Services project)
- Policy reviews across all areas
- The impact of Brexit remains unknown

Key Performance Data (for 2018/19)

	Number	Notes
Number of applications processed	6,020	Plus 1,461 annual fee payments processed
Number of licences / permits issued	8,680	
Number of LA 2003 licences revoked	0	
Number of licences suspended	189	LA 2003 – non-payment of annual fee

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- Servicing 26 formal hearings, including three reviews
- Facilitated three reviews – two resulting in conditions being added to the licences and a reduction in hours and one resulting in live music being removed from the licence
- One appeal against the decision to reduce the hours and add conditions to premises licence pending and due to be heard in Court later in 2019.

Establishment

Policy and Applications	Management	Officers (FTE)	Support	Other
In post	1	6.73	0	2 x apprentice, shared with Enforcement team
Vacancies	0	0	0	0

Financial Information

The Licensing service is financed by application fees, with the exception of charitable collections for which no fee is chargeable. Fees income covers the cost of the Licensing Section and support services including Legal Services, Committee Services, Customer Services Centre, ICT, Finance, HR. The Council cannot make a profit from licence fees, so if savings were made in licensing, these would have to be passed on in reduced fees to licence holders and no benefit to the Council's budgetary position would result. The Vehicle Testing Station in run as a separate unit, but the fees taken by the Policy and Applications team cover the cost of both the Policy & Applications team and the Enforcement team.

Licensing is fully resourced from licence fees, which are ring-fenced and cannot be used for other purposes. Any surplus would ultimately have to be passed onto customers in reduced fees.

Current establishment

1 x Team Manager

9 x Licensing Officer (6.73 FTE)

2 x Business & Admin Apprentice (shared with Enforcement Team; report to Chief Licensing Officer)

Other Providers

This service could be shared with another local authority but there is no known interest.

Strategic issues related to Policy & Applications

Taxi/PHV

- Taxi strategy – is ongoing
- Government action and next steps for reform: the Department for Transport has published its response to the Task and Finish Group and made a number of recommendations some of which will require new legislation to be brought forward other recommendations are around what licensing authorities can do now (if not already doing so)
- Putting passenger safety at the centre of licensing policies and decisions
- Effective partnership working between local licensing authorities, the DVSA, police, other council services and local businesses
- The role of licensing authorities in safeguarding children
- Ensuring access for all: tackling issues of disability and discrimination
- Opportunities and risks posed by new technologies (booking apps; new developments in CCTV; vehicle tracking)

Other licensing areas

- Gambling local area profile completed April 2019, with subsequent development and enhancement to be done
- Review of sexual entertainment policy scheduled for 2019/20
- Review of skip/scaffold processes and principles
- Ongoing desire to move to online applications and payments for all licence types
- Intention to link online applications with back office processes, thus streamlining the initial application process
- Robust review of application fees, with a structure that will continue to apply for future years
- Retention and disposal policy

Neighbourhood and Environmental Services Regulatory Services

TEAM/COSTCENTRE:	STATUS:	MANAGER:	EXECUTIVE LEAD:
Vehicle Testing Station	Supports Statutory Functions	Adam Broome	Cllr Piara Singh Clair

Vehicle Testing Station

Strategic Fit

The VTS is an integral part of the Licensing and Enforcement Sections with regard to Licenced vehicle applications and enforcement activities. Provide the Council with robust assurance as to the condition of taxis in Leicester.

Services

The VTS carries out statutory prearranged compliance tests and ensures Council policy in respect of licenced vehicles.

The compliance tests are conducted twice a year on each of the licensed Hackney Carriages and Private Hire Vehicles.

The VTS also carries out random Enforcement spot checks on the licensed vehicles to ensure safety standards and compliance with Council regulations are maintained between the 6 monthly tests.

The VTS carries out inspections of accident damaged licensed vehicles to determine if their licences require suspending, and post repair to determine the suitability/quality of the repairs prior to the licence being reinstated.

To supplement income it carries out public MOT testing on privately owned vehicles and taxis.

Key Performance Data

	2015/16	2016/17	2017/18	2018/2019
Taxi Compliance Tests completed	3280	3563	3632	3844
Taxi Compliance Retests	1228	1380	1226	1488
MOT's to members of the public	379	414	345	366
MOT's to the Taxi trade	1300	1016	933	1008
Dangerous Defect Suspensions	-	-	-	34 (Yr. 2018)

Establishment

	Management	Testers	Support	Other
In post	1	3	1	0
Vacancies	0	0	0	0

The VTS is staffed with 1 manager/tester, 3 full time testers and 1 receptionist/admin and support officer.

Financial Information

The VTS is financed by test fees and an internal transfer from the Licensing section cost centre to cover the costs of the Enforcement spot checks; with additional fees being generated by the MOT testing of privately owned vehicles. This combined income covers the cost of the VTS operations, enforcement activity and support services including Legal Services, Committee Services, Customer Services Centre, ICT, Finance, HR.

Prior to the existence of the VTS, compliance testing was carried out by nominated private garages on the Councils behalf, with the fees being paid directly to the garages.

However this arrangement did not provide the Council with direct control of testing standards, also as the VTS has no links to the taxi trade and does not carry out repairs it provides transparent impartiality.

The VTS now provides an independent facility/location for multi-agency enforcement checks.

The VTS also currently provides licenced vehicle compliance testing for Oadby and Wigston Council.



Leicester
City Council

WARDS AFFECTED: ALL

LICENSING & PUBLIC SAFETY COMMITTEE

9 July 2019

TAXI STRATEGY - DRIVER LICENSING CONSULTATION

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1 The purpose of the report is to consult the Committee on the content of the public consultation regarding policies and procedures associated with the licensing of taxi drivers. This is in connection with the taxi strategy, which is being overseen by Cllr Clair in his role as Deputy City Mayor.

2. Background

- 2.1 A new taxi strategy will update and improve the Council's approach to taxi licensing. It is expected that this will provide tangible benefits to the travelling public, the trade and the Council, whilst also contributing to wider improvements such as air quality.
- 2.2 The Deputy City Mayor has previously approved the vision and objectives for 2025 and at the time of writing the report, is being asked to confirm the final list of deliverable actions under the taxi strategy. Assuming approval is given these will be published shortly, followed by consultation on the individual aspects of the taxi strategy.
- 2.3 Consultation documents are being prepared for phase 1, relating to taxi drivers. Officers have reviewed the existing policies and procedures and identified areas for improvement, both in connection with the taxi strategy and to bring them up to date. The Deputy City Mayor is responsible for approving policy on matters such as this and therefore the Committee is asked to comment on the proposals.

3. Consultation proposals

- 3.1 A committee report dated 12 February 2019, confirmed that the Licensing and Public Safety Committee will be involved in changes to policies on licensing drivers, operators and vehicles, and that reports will be brought to the Committee at the appropriate time.
- 3.2 The first phase of the consultation process involves the policies and procedures relating to taxi drivers. At the time of writing the report, the draft consultation document has not

been approved by the Deputy City Mayor. However, it is anticipated that this will be completed and circulated to Members prior to the meeting of the Licensing and Public Safety Committee.

3.3 The consultation will be carried out via an online survey on the consultation hub. Details of the consultation will be sent to existing drivers licensed by Leicester City Council, as well as private hire operators, responsible authorities such as the police, and the general public.

4. Recommendation

Members are asked to comment on the proposed consultation document.

5 Financial & Legal Implications

Financial Implications

5.1 There are no financial implications arising directly from this report.

Colin Sharpe, Head of Finance, ext 37 4081

Legal Implications

5.2 In the absence of sight of the draft consultation, Legal are not able to comment on that aspect. The detail of individual proposals may require specific advice in due course. Subject to this, the report does not raise any other legal issues.

John Moss, Solicitor, Legal Services, ext 37 3010

6 Background Papers – Local Government Act 1972

None

7 Consultations

Head of Legal Services

Head of Finance

8 Report Author

Rachel Hall – Chief Licensing Officer

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