



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

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

- 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.