



Licensing

22 June 2023

Report of: Jo Belcher Regulatory Services
Team Leader

Licensing Performance Report

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| Corporate Priority: | Delivering excellent services positively impacting on our communities |
| Relevant Ward Member(s): | All |
| Date of consultation with Ward Member(s): | N/A |
| Exempt Information: | No |

1 Summary

1.1 To provide Members with knowledge of the work carried out by the Licensing Team and the wider impacts and benefits of the licensing regime.

RECOMMENDATION

That Committee:

- Note the information**

2 Reason for Recommendations

2.1 To keep Members up to date with the work carried out by the Licensing Team and their performance.

3 Background

3.1 The core of the licensing team is made of 1 Business Compliance Officer (which is made up of two 0.5 FTE), 1 Licensing Technician and 1 Enforcement Officer.

3.2 The licensing team issue licences and registrations covering the following areas:

- Taxis (vehicles, drivers and operators)
- Alcohol and Entertainment (including temporary events)
- Gambling Premises
- Animal Welfare (boarding, breeding, sale of animals, exhibition of animals, hire of horses, dangerous wild animals, zoo licence)
- Charity Collections (on the street and house to house)
- Small Lotteries

- g) Houses in Multiple Occupation
- h) Caravan & Camping Sites
- i) Invasive Beauty Treatments (piercing, tattooing, acupuncture, semi-permanent make-up, microblading, fillers etc.)
- j) Non-invasive Beauty Treatments (hairdressing)
- k) Scrap Metal Dealers (premises and collections)
- l) Pavement Licence (for tables and chairs on the highway)

3.3 This report details a summary of the work delivered up to April 2023 and provides a comparison with previous years.

3.4 The data reviewed in this report focuses on the quantity of work dealt with and the time taken to deal with, but it is important to recognise the wider benefits that the licensing system brings.

3.5 The focus of taxi licensing is about public safety, trying to ensure that the standard and knowledge of drivers and the standard of vehicles has public safety first. The risks associated with the public using unlicensed taxis are high and can be significant.

Taxi licensing regulates hackney carriages and private hire. Unlike private hire vehicles, hackney carriages can be flagged down by members of the public, sit on taxi ranks and be pre booked whereas private hire can only be prebooked through an operator. The drivers licence covers 1-3 years and the operator's licence is for 5 years. There are currently 60 drivers and 7 private hire operators licenced by the council.

3.6 The focus of alcohol and entertainment licensing system is to prevent crime and disorder, to promote public safety, to prevent public nuisance and protect children from harm. All the steps and checks involved help to contribute to these objectives. There are several types of licences available to regulate the sale of alcohol and other regulated entertainment. Regulated entertainment includes:

- a) a performance of a play
- b) an exhibition of a film
- c) an indoor sporting event
- d) a boxing or wrestling entertainment
- e) a performance of live music
- f) any playing of recorded music
- g) a performance of dance

3.7 The focus of gambling licences is to prevent gambling from being a source of crime or disorder and/or being associated with crime or disorder or being used to support crime, ensuring that gambling is conducted in a fair and open way, and protecting children and other vulnerable persons from being harmed or exploited. Our processes contribute to these objectives.

3.8 The focus of animal licensing is to protect the health, safety and welfare of animals being kept (boarding), bred (puppy sales), sold (sale of animals), exhibited (e.g. falconries and animals for therapy) or worked (hire of horses). Licence conditions also contribute to safety of the public particularly with dangerous wild animal and zoo licences (which both apply in Melton). The licensing also tries to protect customers from illegal trading, like puppy farms.

Under the animal welfare licensing regime, premises are awarded a star rating depending on the overall environment and welfare standards. The star rating will determine the length of the licence and also the inspection frequency during the lifetime of the licence. There are currently 36 licensed premises.

Generally, the standard of animal welfare premises is very good with over 97% of premises rated 4 or 5 stars. 5 star is the highest rating. One premises has a star rating of 2.

- 3.9 In essence, an effective licensing service means the sectors are better regulated which in turn brings safer businesses and safer customers. It also assists in identifying non-licensed premises and/or those operating illegally.

4 Main Considerations

- 4.1 The performance data for licences reviewed in this section includes all licences and a breakdown of the following areas:

4.1.1 Taxis Licences

- (i) Hackney carriage / private hire vehicle
- (ii) driver licences
- (iii) private hire operator

4.1.2 Alcohol and Entertainment

- (i) personal alcohol
- (ii) premises alcohol
- (iii) temporary event notices
- (iv) late temporary event notices

4.1.3 Miscellaneous Licences

- (i) animal licences
- (ii) society lottery
- (iii) Pavement licenses

This report details a summary of the work delivered during 2022-23 and provides a comparison with previous years.

The data reviewed in this report focuses on the quantity of work dealt with and the time taken to deal with, but it is important to recognise the wider benefits that the licensing system brings.

- 4.2 The **total number of licences** dealt with between the 1st April 2022 and 31st March 2023 is 664 which is a slight decrease in the previous year but still higher than during the pandemic and the average time to process has been 10 days.

| | All Licences | |
|----------------|------------------------|---------------------|
| | Number of Applications | Av. Days to process |
| 2018-19 | 798 | 14.78 |
| 2019-20 | 785 | 13.75 |
| 2020-21 | 599 | 14.6 |
| 2021-22 | 682 | 9.14 |
| 2022-23 | 664 | 10.0 |

Taxis and Private Hire

- 4.3 To operate as hackney carriage or a private hire, the following licences are required:
- Private hire or hackney carriage vehicle licence which is renewed annually.
 - Drivers licence which is up to a three year licence.
 - Operators licence which is a five-year licence and required to operate a private hire business.
- 4.4 The number of **taxi hackney carriage vehicle** licences dealt with between the 1st April 2022 and 31st March 2023 is 52 and the average time to process has been 2.06 days on receipt of a valid application and supporting information.

| | Number of Applications | Av. Days to process |
|----------------|------------------------|---------------------|
| 2018-19 | 74 | 19.92 |
| 2019-20 | 63 | 15.65 |
| 2020-21 | 66 | 21.56 |
| 2021-22 | 41 | 1.63 |
| 2022-23 | 52 | 2.06 |

Following a reduction in applications post covid the number of licences has increased but there has not been an impact on the length of time taken for the applications to be processed.

- 4.5 The number of **private hire taxi vehicle** licences dealt with between the 1st April 2022 and 31st March 2023 is 29 and the average time to process has been 37 days.

| | Number of Applications | Av. Days to process |
|----------------|------------------------|---------------------|
| 2018-19 | 27 | 89.48 |
| 2019-20 | 41 | 78.71 |
| 2020-21 | 28 | 53.07 |
| 2021-22 | 22 | 36.77 |
| 2022-23 | 29 | 37.00 |

New private hire taxi vehicle license applications are on average processed within one day of a valid application being made. The average length to process a renewal does take longer and further work will be undertaken during the year to review why this aspect of the licensing process appears to take longer for private hire vehicles as opposed to hackney carriage vehicles.

- 4.6 The number of **taxi driver** licences dealt with between the 1st April 2022 and 31st March 2023 is 41 and the average time to process has been 19.63 days.

| | Number of Applications | Av. Days to process |
|----------------|------------------------|---------------------|
| 2018-19 | 59 | 12.42 |
| 2019-20 | 31 | 25.74 |
| 2020-21 | 36 | 16.36 |
| 2021-22 | 41 | 11.27 |
| 2022-23 | 41 | 19.63 |

The number of enquiries dealt with remains higher than during and post covid and the introduction of 1, 2 or 3-year licence in September 2021 is proving to be welcomed by the trade as it supports those new to the trade and also those drivers who are considering retirement and do not want to commit to a 3-year licence.

There are currently 60 licenced drivers which is an increase of approximately 10 additional licensed drivers during the year. Whilst the average length of time to process all driver licences is 19.63 days, the average length of time to issues a licence for a new driver is 11.36 days. Delays in processing applications can be due to a number of factors which are outside of the control of the licensing team when supporting information is required to process the application.

- 4.7 The number of taxi **private hire operators licences** dealt with between the 1st April 2022 and 31st March 2023 is 2 and the licence applications are dealt with on the day of receipt of the valid application.

| | Number of Applications | Av. Days to process |
|-----------------|------------------------|---------------------|
| 2018-19 | 4 | 0 |
| 2019-20 | 1 | 0 |
| 2020-21 | 2 | 5.5 |
| 2021 -22 | 3 | 3.67 |
| 2022-23 | 2 | 0 |

There are currently 7 licensed private hire operators in the borough and the time taken to process licence applications remains very low.

Alcohol and Entertainment including temporary events.

- 4.8 **Personal alcohol licenses** are required by individuals who sell alcohol from a licensed premises. There is no expiry date for these licenses however they need to be amended where there is a change of the name or address of the licence holder.

The number of **personal alcohol licences** dealt with between the 1st April 2022 and 31st March 2023 is 59 and the average time to process has been 1.79 days.

| | Number of Applications | Av. Days to process |
|----------------|------------------------|---------------------|
| 2018-19 | 87 | 13.26 |
| 2019-20 | 52 | 2.37 |
| 2020-21 | 35 | 2.17 |
| 2021-22 | 68 | 1.79 |
| 2022-23 | 59 | 4.71 |

The table above shows 59 personal licences have been processed in 2022-23. Whilst the average length of time to process the application appears to have increased from previous

years, there is a single application which remains open on the system for a long time. If this outlier is removed from the calculation, the average length of time to process the application reduces to just 1.1 days.

- 4.9 The number of **premises licences** dealt with between the 1st April 2022 and 31st March 2023 is 107 and the average time to process has been 31.56 days.

| | Number of Applications | Av. Days to process |
|----------------|------------------------|---------------------|
| 2018-19 | 106 | 22.11 |
| 2019-20 | 106 | 20.3 |
| 2020-21 | 93 | 24.9 |
| 2021-22 | 107 | 27.61 |
| 2022-23 | 101 | 31.56 |

It can be seen that 101 premises licences have been processed in during the year, the average time to process has increased slightly, but this was due to 1 cancellation/surrender licence taking 87 days and new applications taking an average of 58.67 days. The delays are due to circumstances beyond our control and would include the consultation period where applicable and any hearings required on the event of valid representations being received as part of the application process.

- 4.10 **Temporary event notices** are required to carry out a Licensable activity on a temporary basis or where the activity goes beyond what is allowed under the Premises Licence for the business. The number of **temporary event notices** dealt with between the 1st April 2022 and 31st March 2023 is 174 and the average time to process has been 0.1 days.

| | Number of Applications | Av. Days to process |
|----------------|------------------------|---------------------|
| 2018-19 | 170 | 0.75 |
| 2019-20 | 219 | 1.41 |
| 2020-21 | 21 | 0.14 |
| 2021-22 | 133 | 0.20 |
| 2022-23 | 174 | 0.1 |

Following covid the number of temporary event notices continues to recover but the length of time it takes to process the notifications remains very good. Events such as the Platinum Jubilee celebrations would have contributed to the increased number of notifications.

- 4.11 The number of **late temporary event notices** dealt with between the 1st April 2022 and 31st March 2023 is 34 and the average time to process is 0.18 days.

Please note: the term 'late' is where the applicant has not applied with 10 working days of the event and therefore requires immediate attention by the team.

| | Number of Applications | Av. Days to process |
|----------------|------------------------|---------------------|
| 2018-19 | 50 | 0.12 |
| 2019-20 | 54 | 0.35 |
| 2020-21 | 13 | 0.31 |
| 2021-22 | 34 | 0.18 |
| 2022-23 | 35 | 0 |

35 **late temporary event notices** have been processed in during the year, the average time to process has improved and remains within 1 day.

4.12 **Miscellaneous Licences**

4.13 The number of **animal welfare licences** dealt with between the 1st April 2022 and 31st March 2023 is 33 and the average time to process has been 6.15 days which is lower than the pre-pandemic levels

| | Number of Applications | Av. Days to process |
|----------------|------------------------|---------------------|
| 2018-19 | 37 | 13.95 |
| 2019-20 | 23 | 7.96 |
| 2020-21 | 28 | 4.29 |
| 2021-22 | 53 | 8.23 |
| 2022-23 | 33 | 6.15 |

Generally, the standards for animal welfare premises is very good across the borough with over 97% of premises achieving a star rating of 4 or above with 5 being the maximum rating. Star ratings do not apply to **dangerous wild animal licenses**, of which there are 3 premises licensed in the borough.

4.14 **Society lotteries** are run by non-commercial societies such as charitable organisations or to support sport or cultural activities for example. The number of **society lottery registrations** dealt with between the 1st April 2022 and 31st March 2023 is 50 and the average time to process has been 17.58 days

| | Number of Applications | Av. Days to process |
|----------------|------------------------|---------------------|
| 2018-19 | 50 | 31.14 |
| 2019-20 | 57 | 29.28 |
| 2020-21 | 39 | 15.74 |
| 2021-22 | 44 | 19.34 |
| 2022-23 | 50 | 17.58 |

50 society lottery registrations have been processed in 2022-23, the average time to process has reduced slightly despite there being an increased number of applications received by the team.

4.15 As part of the covid recovery local authorities were given additional powers in the Business and Planning Act 2020 to issue pavement licences. The streamlined process allowed businesses to secure these licences quickly and allow these licences to remain in place for such period specified in the licence however licences issued under this legislation will expire on the 30th September 2023. Prior to the 2020 Act pavement licences were issued by the Highways Authority and this route to obtain a pavement licence is still in place.

During 2022-23 the team dealt with 11 pavement licence applications with an average time to process the application being 0.18 days.

4.16 In summary, the team deal with a wide variety of licence types covering a range of licensable activities. The times taken to process the applications is good. In all categories, except taxi vehicles, the number of applications is higher than during the pandemic.

4.17 Licensing Audit

During 2022-23, an internal audit on the Licensing function was undertaken. The audit selected a sample of 18 taxi licences and 45 other licences for testing which confirmed controls are in place and broadly operating as intended for the processing, verifying and issuing of licences, with only a small number of omissions - none of which posed a significant safeguarding or public safety risk, and all have been addressed since the audit has been completed. However, the audit did identify some areas where action was required, and an action plan has been developed.

Key areas are set out in the table below.

| Action | Progress to date |
|--|--|
| Public Register of Licenses available on the Council's website | A systems upgrade is programmed for 2023-24 which will enable licenses to be available online. We are waiting for an installation date from the supplier and officer training will then be rolled out. |
| Development of annual licensing enforcement plan | Annual enforcement plan developed and will be reported on in future reports to the Committee. |
| Review of Licensing performance indicators | <p>New performance indicators are being developed as below. These will be included in the corporate performance framework.</p> <p>Current Performance indicators</p> <ul style="list-style-type: none"> Licensing - % of payments made online – currently on hold as corporate credit card payments are not available which means data for this indicator is not readily available. <p>Draft Performance indicators 2023-24:</p> <ul style="list-style-type: none"> Length of time from application received to application being duly made in days and working days. Length of time from application being received to approval in days and working days. Length of time from application being duly made to approval in days and working days. <p>The Licence applications included in the PI are:</p> <ul style="list-style-type: none"> Private Hire & Hackney Vehicle Private Hire & Hackney Driver Private Hire Operator Premises Licence Personal Licence |
| Development of Licensing Service Plan | To be completed during 2023 -24 and then reviewed on an annual basis. |
| Proactive approach to fee debt recovery | The licencing team has worked collaboratively with the Revenues and Finance teams to reduce the debt of £21,000 in August 2021 down to £210 as of April 2023. |

4.18 Licensing Policy Information

4.19 There are a number of policies in place for different licences. The table below sets out the information on the policies and review dates.

| Policy Name | Publication Year | Review Year |
|--|------------------|-------------|
| Statement Of Licensing Policy | 2022 | Due 2027 |
| Gambling Statement of principles | 2022 | Due 2025 |
| Private Hire and Hackney Carriage Policy | 2021 | Due 2023 |

4.20 Enforcement

4.21 The licensing team has one full time Licensing Enforcement Officer. The table below sets out the enforcement activities during 2022-23.

| Enforcement activity | Number |
|---------------------------|--------|
| Proactive interventions | 2 |
| Routine inspections | 37 |
| Formal enforcement action | 3 |

During the 2022-23, four licensing hearings or reviews took place. Details of the hearings are set out in the table below:

| Licence Type | Reason for a Hearing/Review | Outcome of Hearing/Review |
|-------------------------------|--|--|
| Premises Application | Music Festival hearing | Granted with conditions. |
| Taxi Combined Drivers Licence | Driving with excess passengers / Excess points | Suspended 2 months whilst undertaking remedial Taxi course |
| Premises Licence Review | Noise complaint / Failure of premises to provide records | Withdrawn as DPS changed by licence holder |
| Taxi Combined Drivers Licence | Driving whilst suspended / failure of remedial Taxi Course / Use Mobile phone whilst driving | Licence revoked |

4.22 From 31 May 2022, new duties on taxi and private hire vehicle licensing authorities in England came into effect. Authorities must report safeguarding and road safety concerns about drivers licensed in other areas to their 'home' authority. The 'home' authority must consider whether to suspend or revoke the driver's licence within 20 working days and notify the reporting authority.

In addition, taxi and private hire vehicle licensing authorities in England must enter all suspensions, revocations and refusals of taxi and private hire vehicle driver licences relating to safeguarding or road safety concerns into a database designated by the Transport Secretary. Licensing authority must check the database as part of the application process and have due regard to any information in the database when considering an application.

4.23 Events Safety and Safety Advisory Group

Event organisers where attendance of an event is greater than 500 (which includes all attendees – public, staff and performers) are requested to complete an event notification form. For more recent large event licences, engagement with the Safety Advisory Group (SAG) has been included in the license conditions.

The event notification form is circulated to our partners in the SAG. The core members of which are Environmental Health, the Police, Leicestershire Fire and Rescue Service, East Midlands Ambulance Service, Highways, the Local Resilience Forum.

The Team leader is currently the chair of the Safety Advisory Group for Melton.

Where needed a full SAG is held or in some instances a Safety Management Group.

The primary role of the SAG group is public safety (including nuisance prevention).

4.23 Future considerations

4.24 In the Levelling Up White Paper, the Government said it would “explore transferring control of taxi and private hire vehicle licensing to both combined authorities and upper tier authorities.” The Department for Transport will be exploring the implications of this change with stakeholders in due course however no timeframes for this have been confirmed.

4.25 Following the Manchester Arena bombing in 2017 the Terrorism (Protection of Premises) Bill also known as Martyn’s law is due to be enacted (it is currently in draft form), which will have an impact on events. The proposed legislation will place a requirement on those responsible for certain publicly accessible locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

There are no implementation dates for this legislation, but further information can be found on the Government website and event organisers are encouraged to visit the webpage below as the legislation progresses through Parliament.

<https://homeofficemedia.blog.gov.uk/2022/12/19/martyns-law-factsheet/>

5 Next Steps – Implementation and Communication

5.1 To bring updated performance information to future licensing committees. It was agreed at Committee in November 2021 this should be on a 6 monthly basis.

6 Financial Implications

6.1 There are no financial implications associated with this report.

Financial Implications reviewed by: Director for Corporate Services

7 Legal and Governance Implications

7.1 There are no legal implications associated with this report.

7.2 The council must be able to demonstrate effectiveness of its licensing policies and provide confidence and reassurance regarding the implementation of those policies.

7.3 The Council’s Enforcement Policy will be reviewed during 2023-24. The Enforcement Policy sets out the Council’s approach to enforcement in an open and transparent manner.

Legal Implications reviewed by: Senior Lawyer 08.06.23

8 Equality and Safeguarding Implications

8.1 There are no implications associated with this report.

9 Community Safety Implications

9.1 There are no implications associated with this report.

10 Environmental and Climate Change Implications

10.1 There are no implications associated with this report however the Hackney carriage and private hire taxi licensing policy includes a reduced licence fee for low emission vehicles which are used as hackney carriage or private hire vehicles.

11 Other Implications (where significant)

11.1 There are no implications associated with this report.

12 Risk & Mitigation

This reporting of performance data does not identify any risks.

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