



Licensing

13 February 2024

Report of: Jo Belcher Regulatory Services
Team Leader

Licensing Performance Report

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:

1. Notes 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:

- a) Taxis (vehicles, drivers and operators)
- b) Alcohol and Entertainment (including temporary events)
- c) Gambling Premises
- d) Animal Welfare (boarding, breeding, sale of animals, exhibition of animals, hire of horses, dangerous wild animals, zoo licence)
- e) Charity Collections (on the street and house to house)
- f) 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 for the first six months of 2023/24 from the 1st April to the 30th September 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 56 drivers and 7 private hire operators licenced by the council.

3.6 The focus of the 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 38 licensed premises.

Generally, the standard of animal welfare premises is very good with over 94% of premises rated 4 or 5 stars. 5 star is the highest rating. Two premises have 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

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- 4.2 The **total number of licences** dealt with between the 1st April 2023 and 30th September 2023 is 370 and the average time to process has been 7.6 days, which is a significant overall improvement on previous years.

	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

End of Sept 23	370	7.6
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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 2023 and 30th September 2023 is 20 and the average time to process has been 2.1 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
End of Sept 23	20	2.1

This figure does not include the revocation of a hackney carriage which occurred in the summer where a hackney driver was referred to a licensing subcommittee resulting in the revocation of his licence.

- 4.5 The number of **private hire taxi vehicle** licences dealt with between the 1st April 2023 and 30th September 2023 is 18 and the average time to process has been 2.05 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
End of Sept 23	18	2.05

These figures have been produced following an ongoing data cleansing exercise identified as requiring action following the previous committee report produced in June 2023. This now records the processing time from a complete application being received.

- 4.6 The number of **taxi driver** licences dealt with between the 1st April 2022 and 31st Mar is 25 and time to process has been 20.56 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
End of Sept 23	25	20.56

The number of enquiries dealt with still 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 56 licenced drivers. Whilst the average length of time to process all driver licences is 20.56 days, the average length of time has been skewed by two amendments/ variations which took 86 days each to complete due to a number of factors which are outside of the control of the licensing team including the provision of supporting information that is required to process the application. If these 2 are removed from the numbers the average time would be 14.87 days.

- 4.7 The number of taxi **private hire operators licences** dealt with between the 1st April 2023 and 30th September 2023 is 1 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
End of Sept 23	1	0

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

Another area of Private Hire that is dealt with is issuing new/replacement and the surrender of door stickers. Between 1.4.23 and 30.9.23 there were 16 applications processed with the average time to process being 1.44 days.

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 2023 and 30th September 2023 is 30 and the average time to process has been 2.70 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

End of Sept 23	30	2.70
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The table above shows 30 personal licences have been processed between April and the end of September 2023.

- 4.9 The number of **premises licences** dealt with between the 1st April 2023 and 30th September 2023 is 46 and the average time to process has been 37 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
End of Sept 23	46	37

It can be seen that 46 premises licences have been processed during the half year, the average time to process has increased slightly, this increase was due largely to 2 applications, The first was a lengthy total change to a DPS where legal action was being considered, but after working with the license holders the change finally occurred. This took a total of 96 days to complete, the other a minor variation application which took 238 days to process. 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. If these 2 were removed from the averages the average days to process would be 31.22 days.

- 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 2023 and 30th September 2023 is 94 and the average time to process has been 0.28 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
End of Sept 23	94	0.28

The first 6 months saw the coronation. The length of time it takes to process the notifications remains very good.

- 4.11 The number of **late temporary event notices** dealt with between the 1st April 2023 and 30th September 2023 is 29. Due to a clerical error one is recorded as still being open for 164 days. This is not the case. Removing this one the average time to process is 0 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
End of Sept 23	29	0

29 late temporary event notices have been processed in the first half of the year, the average time to process remains within 1 day. The number of applications may have been slightly higher due to the Coronation in May 2023 (we did not get any applications due to the England women's team reaching the world cup finals!)

4.12 Miscellaneous Licences

4.13 The number of **animal welfare licences** dealt with between the 1st April 2023 and 30th September 2023 is 15 and the average time to process has been 1.66 days which is a big improvement on previous years. Due to the licensed animal activity licences being between 1 and 3 years and traditionally a number of licence renewals being due later in the year the lower number are within the expected range and not a decrease in licensed premises. There were no dangerous wild animal or zoo licence renewals due in this period.

	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
End of Sept 23	15	1.66

Generally, the standards for animal welfare premises is very good across the borough with 94% 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 or the 1 Zoo license.

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 2023 and 30th September 2023 is 17 and the average time to process has been 0.34 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
End of Sept 23	17	0.34

50 society lottery registrations have been processed in 2022-23, the average time to process has reduced significantly.

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. This role still lies with the local authority. 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 1st April to 30th September 2023 the team dealt with 2 pavement licence applications with an average time to process the application being 0 days.

4.16 The Team register invasive (where the skin is pierced eg tattooing and acupuncture) and non-invasive (hairdressers and barbers) individual and premise registrations. These are issued in following inspections in conjunction with health and safety and public health legislation where applicable, for public safety. Between 1st April 2023 and 30th September 2023 14 individual registrations were issued for invasive treatments (with an average of 3 days to process) and 7 registrations were issued for invasive premises (with an average of 1.7 days to process). There were 4 non-invasive premises registrations issued (taking an average of 0 days).

4.17 There were 7 house to house collection licences issued taking an average of 0.3 days to process.

4.18 There were 9 street collection permits issued between 1st April to 30th September 2023.

4.19 There was 1 House in Multiple Occupation (HMO) licence issued between 1st April to 30th September 2023.

4.20 The Team processed 5 applications (including for licence transfer, amendments and changes to fit and proper persons) for residential caravan licences and 6 applications were processed for camping and caravan licences (1 new application and 5 amendments to existing licences).

4.21 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.

4.22 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. The team and project manager are actively working with the

	software provider. A number of issues have been flagged to the provider and are being worked on.
Development of annual licensing enforcement plan	An initial annual enforcement plan was developed. This will be further developed.
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 and receive a monthly report of debtors which they action.

4.23 Licensing Policy Information

4.24 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 2024

Licensing Enforcement Policy	2023	2028
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4.25 Enforcement

During 1st April to 30th September, one licensing hearing took place. One application for a licence amendment was made where representations were made. This application was withdrawn before the licence subcommittee hearing. Details of the hearing are set out in the table below:

Licence Type	Reason for a Hearing/Review	Outcome of Hearing/Review
Taxi Combined Drivers Licence	Exempt information as defined in paragraphs 1, 2 and 7 of Part 1 of Schedule 12A, to the Local Government Act 1972.	Revocation of combined licence
Premises Licence variation	Representations received objecting to the variations	Withdrawn by applicant prior to hearing

4.26 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.

4.27 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 direct 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: **Deputy Monitoring Officer**

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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