

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

14 FEBRUARY 2019

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Access, Communities and Community Safety – Lead Cabinet Member Councillor Steve Nelson

LICENSING SERVICE

1. Summary

To inform Cabinet of the progress made by the Licensing Service from 01 April 2018 until 31 December 2018.

2. Recommendations

1. Members to note the progress made to ensure public safety and support local businesses by the Licensing Service.
2. Members to agree work identified which will enhance public safety and support to businesses further.

3. Reasons for the Recommendation(s)/Decision(s)

To keep Cabinet Members informed of work and planned activity within the Licensing Service.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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REPORT OF SENIOR
MANAGEMENT TEAM

CABINET DECISION

LICENSING SERVICE

SUMMARY

To inform Cabinet of the recent progress made by the Licensing Service and the planned activity going forward.

RECOMMENDATIONS

1. Members to note the progress made to ensure public safety and support local businesses by the Licensing Service.
2. Members to agree work identified which will enhance public safety and support to businesses further.

DETAIL

Licensing Service

1. Licensing plays a vital role in supporting businesses, enabling high standards and keeping the public safe. The Licensing regime covers a large number of licensable activities under various pieces of legislation and policy including the Licensing Act 2003, Gambling Act 2005, Scrap Metal Act 2013, Animal Activities Regulations 2018, and current Transport Policy. Each aspect of the regime requires a different approach from application, processing, inspection to grant.
2. During the past 9 months the service has continued a period of review and progression. Licensing administration and business processes have been reviewed to ensure the effectiveness and efficiency of managing the issue of all licenses, permits and registrations, during this period 1862 applications covering all aspects of the licensing regime have been received and currently 1799 have been processed and completed.
3. In addition 38 beauty activity applications were received and processed, these applications cover activities such as hairdressing, skin piercing, acupuncture and tattooing and require a comprehensive officer inspection. The service received and processed 60 charity collection applications, the returns data returned to us by the applicants confirms a total of £49,119.70 being raised for charity, and this information will be made available to the public via the website.
4. Clear local policies have been developed in line with legislation and consultation with users, including:
 - The Private Hire and Hackney Carriage Policy January 2016 (reviewed 2018)
 - The Licensing Act 2003 Statement of Licensing Policy January 2016
 - Gambling Act 2005 Statement of Licensing Principles January 2019

Transport

5. There is strong evidence that this policy foundation is leading to positive outcomes. Following consultation with the transport trade and to enhance public safety, disclosure and barring service checks for licensed drivers have been increased from every three years to annually. The introduction of annual DBS checks have seen an increase in workload for the service to progress the 525 applications to date. We have encouraged the majority of these licenced drivers to sign up to the automatic DBS update service meaning their certificates can be checked annually in a more efficient way.
6. Vehicle specification in the private hire and hackney carriage licensing policy has encouraged an additional 124 new vehicles to fleet which comply with Euro 5 emission standards. Improvements in emission standards and air quality will continue throughout the year as the service moves towards an age related vehicle fleet policy, with the first vehicles reaching the maximum age specification being removed from fleet by January 2020.
7. The service continues to ensure public safety by proactively applying random drug testing of licensed drivers, and after providing a positive sample for illegal drugs drivers have their licences revoked in line with transport policy. This number is extremely low and has fallen each year over the past three years.
8. A digital knowledge test for transport applicants has been introduced and a further 52 applicants have passed this test and been granted a licence, bringing the current number of licensed drivers to 846. Although the majority of these licensees make a positive contribution to safely transporting the residents of the borough there are cases where following intelligence and complaints 17 drivers or applicants have been revoked or refused licenses.
9. The service has seen an increase in legal appeals lodged against these important decisions made by the licensing committee. There has been three appeals heard before the magistrate's court and one appeal heard before the crown court. These cases involved previously licensed drivers who had licences revoked with immediate effect on the grounds of public safety. Each appeal was dismissed by the courts and in each case costs were awarded in favour of the authority, acknowledging the robust transport policy and key decision making by the licensing committee.

Digitalisation

10. Improvements in the use of technology have been made including work to maximise digitalisation of the licensing service, for example, mobile working for officers and public consultations published to the 'My Stockton' portal. This work will continue with progress being made around the procurement of the Cx system. Cx provided by Civica is a powerful automated workflow engine, once installed the team will be better equipped to deal with increased demand, whilst optimising efficiencies through mobile working.
11. As an outcome of a previous training session and best practice the service separated the Licensing Committee and implemented of two separate Committees to deal with different parts of the Licensing regime and work has started on implementing and offering an online distance training package for officers and members.

Intelligence

12. Continued and strengthened Intelligence routes have been identified and have been improved between the licensing service and the police, and the licensing service and the Stockton CCTV centre, with an increase in contact and joint working between all, including monthly responsible authority meetings.
13. In June 2018 the service participated for the first time in National Licensing Week The overarching theme for Licensing Week was 'licensing is everywhere', as despite its role in everyday life, licensing often goes unnoticed. The aim of the campaign was to change that

perception, increase visibility and enhance intelligence links with the trade and members of the public.

Setting the Bar

14. In line with the corporate vision for Stockton's night time economy, and with a view to getting the trade on board to improve services and promote the area a 'Setting The Bar' accreditation scheme was introduced to all on licensed premises within the Borough and was launched during National Licensing Week 2018. The scheme promotes to licensees the benefits of operating above the minimum requirements of the Licensing Act 2003 in order to provide a higher standard of premises. This scheme is fully supported by Cleveland Police and in the first round of awards 6 premises were awarded gold standard, and 1 premise was awarded silver standard. In the more recent second round of awards 7 premises were awarded gold standard, 2 premises were awarded silver standard and 1 premise awarded bronze standard.

Animal Activities Licensing

15. To maintain and improve animal welfare standards in October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 updated licensing legislation for activities involving animals. The Regulations detail an enhanced application and inspection process for businesses and a risk based scoring system has been produced to determine the length of the licence along with a star rating to award, similar to the Food Hygiene Rating System. The regulations cover a number of activities including:

- Selling animals as pets;
- Providing or arranging provision for the boarding of cats or dogs (including dog day care and home boarding);
- Hiring out horses;
- Dog breeding;
- Keeping or training animals for exhibition.

16. The introduction of the new regulations meant all existing licensees had to reapply and be inspected under the new regime, in addition some businesses previously out of scope of the licensing regime now require a licence which will mean an increase in new applications, and in this period 60 inspections using the new regulations and DEFRA guidance have been completed.

17. As part of the introduction of the new regulations trade events were carried out, and as intelligence routes strengthen it is expected more complaints of unlicensed animal activity will be received from the trade and members of the public. As publicity surrounding the new regulations and those animal activities now in scope and requiring a licence is increased, an increase in enforcement and potentially legal action is expected.

18. Next steps for the licensing service:

- To research the work which has been carried out between other Local Authorities and alcohol retailers in identifying street drinking and any associated crime caused by this.
- To revisit the implementation of a Licensing Service penalty points system and licence suspension, as tools to ensure compliance of Private Hire Operators, Licensed Drivers and Licensed Vehicles and therefore improve conduct and service.
- Following publication of the institute of licensing 'guidance on determining the suitability of licensees and applicants in the licensed hackney carriage and private hire trade', produced in association with LLG, NALEO, LGA a review of the current codes of conduct for licensed drivers is required.
- Inclusion of all revoked and refused drivers to the national NAFAN refusals register.
- Ongoing digitalisation an implementation of Cx system.

- Online distance training package for officers and members
- Review of issued animal activities licences and fees and potential legal action taken against unlicensed premises.
- Exploring a regional safeguarding statement of policy.

COMMUNITY IMPACT IMPLICATIONS

No implications

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

There are no direct legal implications arising from this report.

RISK ASSESSMENT

This matter is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

The areas of activity covered in this report will positively support the community safety priorities detailed in the Council Plan for Licensing Services.

CORPORATE PARENTING IMPLICATIONS

None

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Education related

No

Background Papers

None

Ward(s) and Ward Councillors

Not specific to Wards

Property

Not applicable