

Overview Report

Crime and Disorder Select Committee

Overview Meeting 2020

5 March 2020

Administration, Democratic and Electoral Services

Context

Members are well aware that as a Council we have had to adapt to funding reductions of £68 million over the last seven years and future funding is uncertain.

The challenge for all Members is to ensure that decisions about the basis on which services will be delivered are within the resources available, taking account of a number of factors such as the uncertain financial position, changing demographics, increasing demand, new national legislation and policy direction. Members are reminded of the four policy principles that support our decision-making:

- **Protect the vulnerable by**
 - protecting people who are subject to or at risk of harm
 - helping people who are homeless or at risk of becoming homeless
 - supporting people who are financially excluded
 - assisting people whose circumstances make them vulnerable

- **Create economic prosperity by**
 - ensuring the businesses and people of Stockton-on-Tees are part of a thriving and productive Tees Valley economy

- **Tackle inequality through improving**
 - health
 - job opportunities, skills and training
 - educational attainment for all
 - affordable housing and fuel poverty
 - financial inclusion

- **Help people to be healthier by**
 - providing mainstream services that are available where needed
 - providing preventative services that are available where needed

It is within this context that the Select Committee is invited to undertake their overview duties.

Performance Reporting

Performance across the Council Plan was reported on a six-monthly basis. This was reported to Executive Scrutiny Committee in July and November 2019, and then forwarded to members of each Select Committee with key issues highlighted by the Chair at their next meeting.

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Administration, Democratic and Electoral Services – Assistant Director – Margaret Waggott

Relevant services include:

- Licensing

As a Licensing Service we are advancing with the digital agenda and continue to identify service improvements. Improvements have been made to support members of the licensing trade and help place shape through the strengthening of working relationships with our partners and comparing best practice with our counterparts. Some of the improvements have seen:

- Back office / front end processes are continually being reviewed to implement smarter ways of working, including the introduction of paye.net for back office staff.
- Smarter methods of communication with the licensing trade which has seen the introduction of a Taxi Licensing Facebook page.
- Research into an online licensing training package for members.
- Increased vision of different compliance regimes through the implementation of risk rated inspection plans.
- Review of computer based driver topographical knowledge test for taxi drivers.
- Improved intelligence pipeline leading to targeted joint working with police and other responsible authorities.

Council Plan 2019-2022

The Council Plan sets out the aims and objectives for all services and is refreshed on an annual basis.

The 2019-22 objectives for the Community Safety theme are attached at Appendix 1.

Emerging Issues

Service delivery is influenced by a range of internal and external factors that develop over time. Emerging challenges and opportunities relating to licensing are summarised as follows:

Our Gambling Act Statement of Policy was reviewed and published in January 2019. The service also fed into the Council's Adult Social Care and Health Select Committee review of gambling which looked at the scale and effect of gambling in Stockton-On-Tees. The service continues to implement the committee recommendations and recently made a representation against a variation application for 24 hour bingo at an existing gambling premise.

Following the implementation of minimum unit pricing in Scotland, Wales is set to follow and introduce its own minimum unit pricing system. The anticipated Government changes to the Licensing Act 2003 have not happened in England, however the service continues to work closely with the trade and responsible authorities. Acting as a responsible authority the service has submitted representations in support of premise licence review applications brought by the police against problem premises. The service also sits on and contributes to the Alcohol Related Harm Reduction Steering Group.

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On 1 October 2018, the new regulations of activities involving animals came into force which changed the previous licensing regime for businesses involved in dog breeding, dog and cat boarding including home boarding, dog day care, the selling of pet animals, the exhibiting of animals and hiring out horses. The new regulations introduced massive changes to the way animal activities are licensed and carried out in England. Along with the regulations DEFRA introduced procedural guidance for local authorities, and guidelines for each activity totalling over 300 pages. A new law aimed at cracking down on so-called puppy farms in England has also been passed by Parliament. Known as Lucy's Law, it will ban the sale of kittens and puppies from third parties from spring 2020, making buyers deal with breeders directly and will again mean changes in the licensing regime.

Judges have dismissed Uber's appeal against a landmark employment tribunal ruling that its drivers should be classed as workers with access to the minimum wage and paid holidays. Uber plans to take its fight to the Supreme Court and this will have wider implications for the transport trade as a very high percentage of drivers are employed in the same way by private hire companies.

As recommended by the Law Commission, the LGA is calling for a Taxi and Private Hire Vehicle Licensing Reform Bill to replace outdated legislation and modernise the licensing system for taxis and PHVs, to the benefit of both passengers and the trade itself. The licensing framework has not kept pace with developments in technology and the need to ensure passengers are protected. The Government set up a task and finish group, the Parliamentary group produced a report in 2018 which included 34 recommendations on regulatory issues and remedies for the industry, including on cross border working, and the question of country-wide licensing reform. In 2019 the Government issued a consultation on some of the recommendations and proposal of draft statutory guidance on measures to protect taxi and private hire passengers. The licensing service responded to the consultation and support the introduction of minimum standards.

The Deregulation Act 2015 opened up the transport market nationally, allowing private hire operators to subcontract work across borders. This practice undermines the setting of local standards and the ability to take action against any wrong doing. The Parliamentary group made a recommendation to Government that legislation was required to prevent this practice, and it is hoped this issue will be addressed by the introduction of minimum standards.

The Hackney Carriage & Private Hire Policy which relates to taxi drivers was introduced in 2016 was reviewed in 2019 at the request of the trade. Amendments included changes to manufactured window tint specification and non-structural accident damage vehicles, which give parity for the trade across the Tees Valley. Hackney carriage and private hire drivers are exempt from the Rehabilitation of Offenders Act 1974 which puts them on a par with roles such as police officers and teachers, however drivers of minibuses over 8 seats are not subject to the same stringent checks. As a service we have continued support Alex Cunningham MP in his quest to have the Government address the safeguarding loophole that exist for PSV drivers.

Evaluation has taken place of Civica APP ensuring maximisation of functionality and capabilities, market testing is still ongoing in this area, with the introduction of online forms and payments for the existing trade now being the priority service improvement of the licensing service. The text functionality on Civica APP to communicate with the trade in a more efficient way continues to be a success and work is ongoing to be able to send text bulk text messages.

Setting the Bar is a bespoke Licensed Premises Award Scheme. All on-licensed premises have been invited to join in the scheme which complements the targeted inspection regime and promotes to operators 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

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supported by Cleveland Police and there are currently 31 premises awarded gold, silver or bronze awards.

As a service we are going to continue to undertake proactive engagement campaigns to promote public safety across all areas of licensing, in particular the service activity participates in National Licensing Week and Responsible Gambling Week.

Potential Areas for In-Depth Review

Members are reminded that topics are being sought for the Scrutiny Work Programme 2020-21. Using the information provided as part of the performance updates and this Overview meeting, the Committee is invited to identify potential topics for review within this theme.

Potential topics will be considered at Executive Scrutiny Committee on 24 March.

- Animal Activities Licensing

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Appendix 1

Council Plan 2019-22 – Community Safety

Our vision is to make the borough a place where levels of crime, anti-social behaviour and fear of crime are low and people feel safe and secure.

Key relevant objectives:

- Deliver effective Licensing Services