

Northampton Borough Council Overview and Scrutiny



Overview and Scrutiny

9 June 2014

Briefing Note – Licensing Service Update

1. Background

This report has been produced to inform the Overview & Scrutiny Committee of current service delivery, performance and statistics relating to the Licensing Service.

Further to the review and restructure of the licensing service provision in 2012, there has been continued development in order to meet the increasing demands and pressures that are faced.

The team have continued to engage in partnership working with other agencies to identify and address problem premises, respond to complaints, contribute to action planning meetings and instigate legal action where other measures have failed, and are continuously seeking to raise education and awareness across all licensing regimes before deciding to instigate prosecutions.

The service has continued to respond to data requests and actively participated in information sharing for law enforcement purposes, with the Police, DVSA (formerly VOSA/DSA), Home Office, Gambling Commission, HM Revenue and Customs, the UK Border Agency etc.

The Licensing Team have adopted a more flexible approach to working in order to meet the demands of the service, some of which can only be met at night time and weekends. In order to be more efficient and effective the team have widened its approach by dealing with different licensing provisions during the same shift, for example, rather than concentrating on taxi licensing, the team have utilised their out of normal office working hours to deal with matters across all areas of licensing.

The team are continually developing and reviewing its local policies to ensure consistency and transparency, whilst also ensuring it operates in accordance

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with the Hampton Principles, with inspections and enforcement being risk based and proportionate.

The Licensing Team have continued to respond to any major incidents that have occurred that require the team's cooperation at short notice. They have also attended two large events last year, which involved the monitoring and compliance of all aspects of the service provision.

2. Taxi & Private Hire Licensing

Licences Issued and Notices Given

Within the Licensing Authority's area there is currently a fleet of 731 licensed vehicles, 925 licensed drivers and 55 licensed private hire operators.

Complaints

There were 186 complaints received during the last financial year in respect of the taxi and private hire industry. Complaints involved dealing with a wide range of incidents, from minor to more serious, for example but not limited to; theft, racist and sexual offences, unfair charges, refusing to take a passenger, vehicle accidents, road traffic offences, attitude of driver, car not arriving etc.

The complaint data is not concerned with driver & vehicle defects, this is separately recorded and monitored under compliance checks.

The service aims to acknowledge and deal with complaints within a 10 day period. During last year the service achieved an 88% performance rate within this parameter.

The key focus in respect of the taxi and private hire industry is predominately based upon public safety. There are a high volume of complaints that relate to the business service and which do not fall upon the licensing team to resolve, for example a complaint regarding poor service for the late arrival of a vehicle, is concerned with poor business service and not necessarily public safety.

However, these calls are still recorded and monitored in order that issues with a particular driver might be identified, which could indicate underlying issues which might impact upon public safety. It is often the case that the Licensing Officers will facilitate and mediate between both parties in order that some minor issues do not escalate.

Following complaints involving more serious incidents and compliance checks, there have been 135 interviews undertaken with drivers, resulting in the suspension/ revocation of 7 drivers' licences, 41 cautions and 46 drivers warned as to future conduct.

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Operators have a key role to assist with managing complaints, improving compliance and general standards of the Private Hire Drivers, the team felt it was imperative to build a better working relationship with the Operators and both parties are now holding regular meetings. There were 41 compliance visits to Operators premises in the last financial year.

Enforcement

Following a more flexible approach, Officers have carried out taxi and private hire compliance operations, during different periods of both the day and night time economy. Operations have been carried out both in the daytime, evenings, early mornings, during weekdays and weekends.

The Licensing Service's taxi enforcement operations are continuing with the police and other partner agencies, including working with the Police, DVSA and the County Council to undertake inspections of vehicles providing school transport.

There have been 23 operations involving Multi-Agency Vehicle & Driver compliance checks and 18 operations for Driver compliance.

In order to raise education and awareness all drivers found to be illegally plying for hire have been offered the Safety Awareness Course as an alternative to prosecution. During the last year 15 drivers have attended the Safety Awareness Course and have also been issued with a caution. The feedback from the course has been positive and further courses are planned to deal with those drivers still required to attend.

The team have also successfully completed its first full year of recording both compliance and non-compliance data in respect of the Multi-Agency Vehicle & Driver compliance operations.

This data is now enabling officers to look in more detail at repeat offenders and are currently working in more detail on action plans to deal with those repeat offenders in accordance with the report presented to the Licensing Committee on the 23rd July 2013.

Administration

There has continued to be a need for a high demand of service provision through the One Stop Shop, with the administration side of the service dealing with 2784 appointments and processing a total of 3422 applications for the taxi and private hire service.

Work was also undertaken to investigate the improvement of our online services and as a result it is anticipated that further work will be undertaken this year to streamline this service.

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There were 116 new driver applications received last year, the majority have now attended the one day induction course and 57 new drivers badges have been issued. The remaining applications are still open pending further qualifying documents. There were also 7 new Hackney/Combined Drivers badges issued last year.

There has been a considerable impact upon our administration service due to changes implemented by the Disclosure and Barring Service (previously the Criminal Record Bureau) and the team are currently working to try and alleviate some of the issues that have arisen.

3. Licensing Act 2003

Licences Issued and Notices Given

Within the Licensing Authority's district there are currently 717 Licensed Premises, 669 of those hold Premises Licences while the remaining 48 benefit from Club Premises Certificates. In addition a total of 2,388 Personal Licences have been issued by the authority, 190 of these were issued in the last financial year.

Enforcement

During the last financial year Licensing Officers have developed a more strategic and case management approach to ensuring premises are compliant with their licence authorisation and are upholding the four licensing objectives of Prevention of Crime and Disorder, Protection of Children from Harm, Public Nuisance and Public Safety.

As a result of this approach during 2013-2014 Licensing Officers made 85 visits to licensed/unlicensed premises, taking an appropriate and proportionate enforcement route, often raising education and awareness of the requirements of the Licensing Act 2003 and the importance of the licensing objectives. As a result of this approach the majority of premises have become compliant, there have been two cautions and it has not been necessary to instigate any prosecution cases. There are several premises from the last reporting year that are still being monitored and more appropriate enforcement action might become necessary.

Due to legislative changes in 2012 it became a requirement that all licence holders must pay their annual licence fees within the statutory prescribed period. As a result of this change in legislation, Licensing Officers presented a report to the Licensing Committee on the 19th June 2012 detailing how this new provision in legislation would be monitored and enforced. As a result of these changes, the service has been successful in reducing the level of debt owed to the council and during the period 2013-2014 Licensing Officers suspended 18 Premises Licence/Club Premises Certificate due to non-payment of their fees. The debt owed to the council reduced by approximately £10,000 in the last financial year.

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Licensing Officers in Northampton have continued to contribute towards partnership working and undertook 13 Best Bar None assessments, whilst this is a voluntary scheme it is recognised nationally as fundamental in helping to raise awareness and standards within the **On** trade.

It has been identified by officers that the Off trade would also benefit from further education and awareness and last year officers commenced an in depth piece of work pulling together material from partner agencies, it is anticipated that this will be a useful manual and training guide for the **Off** trade and will assist in raising standards.

The manual has been presented to the Northamptonshire Licensing Liaison Group and it is expected that this will be used as a county wide tool. The manual is in its final draft stages and it is anticipated will be rolled out to the Off trade later this year.

Administration

In accordance with the Licensing Act 2003, the Licensing Team processed a total of 1150 applications, of those 43 applications were for the New Grant of a Premises Licence, 18 for the Variation of a Premises Licence, 190 applications for the New Grant of a Personal Licence and 9 concerned the Review of a Premises Licence.

The Licensing Sub-Committee considered and made decisions on 23 applications as detailed in the table below;

Type of Application	Number Determined by Committee	Decisions
New Grant Premises Licence	5	3 x Granted with conditions 1 x Refused 1 x Granted
Variation of Premises Licence	3	1 x Granted 1 x Granted with hours amended and Conditions 1 x Granted with conditions
New Grant of Personal Licence	2	1 x Granted 1 x Refused
Review of Premises Licence	9	3 x Revoked 2 x Conditions 1 x Conditions & Suspended 1 x Conditions & Suspended & Change in Designated Premises Supervisor 1 x Licence Suspended & Change in Designated Premises Supervisor 1 x Licence transferred to new

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		operators & conditions
Expedited Review of Premises Licence	2	1 x Added Conditions 1 x Suspended
Temporary Event Notice	2	1 x Application Withdrawn 1 x Application Refused

There were 2 appeals lodged at the magistrate's court following the decisions, however both were settled out of court due to a change in the premises circumstances.

The Full Licensing Committee also considered the application for an Early Morning Restriction Order in June 2013. A decision was made not to progress this.

4. Gambling Act 2005

Licences Issued and Notices Given

Within the Licensing Authority's district there are currently 4 Casino Premises Licences, 3 Bingo Premises Licences, 7 Adult Gaming Centre Licences, 34 Betting Premises Licences, 61 Gaming/Club Machine Permits on Alcohol Licensed Premises.

There have been concerns nationally about the growth in the number of betting office premises, Northampton has followed this trend, with a rise from 26 in 2007 to 34 in 2014, 2 new betting shop licences were granted in the last financial year, with 1 betting shop licence being surrendered.

The number of betting shops has potentially grown due to the demand for Fixed Odd Betting Terminals, which are high stakes and high turnover machines which are very profitable for the industry. The Government has recognised the need to control the number of betting shops and have recently announced plans to change planning laws to give local authority's the power to restrict the number of premises.

The number of Casino premises in Northampton is restricted to 4 and at present there are still 4 valid licences in existence. However, of those four, the licence for Beacon Bingo is not currently being utilised and Grosvenor Casino's Ltd licence for Sol Central has been moved to Regent Square, where they now have two concurrent licences in operation. The gambling act legislation gives the operator the right to transfer a casino licence in order to preserve their rights to retain the licence.

This will allow the Casino to potentially transfer the Casino Licence onto another premises should they wish to do so in the future.

Licensing Officers have been working with the Gambling Commission in order to ensure that the licences remain valid in accordance with national guidance.

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Inspections

It is a statutory requirement of the Gambling Act that local authorities carry out routine visits on gambling premises and in accordance with this requirement Licensing Officers have carried out 50 routine visits on gambling establishments.

Licensing Officers have also developed a good working relationship with the Gambling Commission and have recently worked in partnership with the Commission carrying out its first test purchase operation of underage gambling. Two premises failed the test purchase operation and have been issued with warning letters. Follow-up test purchasing operations are planned for these premises.

It is planned to continue test purchase operations, in order to ensure compliance with the gambling objective for protecting children and vulnerable adults.

Administration

The team also administer Lottery applications which fall within the Gambling Act 2005. Last year the team monitored 138 active lotteries, administered 18 new applications and revoked 9 due to non-payment of fees.

5. Street Trading

A total of 20 Street Trading Consents were issued last year and the licensing team undertook a review of the current trading positions and dealt with the relocation of sites on Park Avenue South and Brackmills.

The team have seen a continued interest since the economic downturn from individuals wishing to start-up businesses and trade on or near to the public highway in various locations throughout Northampton, although predominately this has been enquires for town centre locations. This is a complex area trying to explain to individuals the difference between street trading and pedlars certificates, it often requires a joint approach from the local authority and local police command.

The licensing team are currently investigating the feasibility of allowing more street trading pitches within the town centre and premium park locations that would create more business opportunity to trade.

The team received 14 complaints in the last financial year, mostly concerned with illegal street trading, each complaint was responded to and involved multiple ongoing visits to monitor the situation.

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The team carry out adhoc, routine visits to each trader at least once a year, in order to check compliance with conditions of their licence and also to identify if pitches become available and can be offered to another trader.

In total the team carried out 41 visits to ensure compliance and in response to complaints received.

6. Sex Establishments/Car Boots/Street Collections

There are three Sex Shop Licences in existence and each premises has routinely been visited to check on the compliance with licence conditions. There were no objections upon the renewal applications for these premises.

There is one Sex Entertainment Licence, which also has a Premises Licence issued in accordance with the Licensing Act 2003 and therefore these premises are visited during compliance visits and as part of their Best Bar None application. There were no recorded complaints against this premises last year.

Permits were issued to seven Car Boot organisers last year covering a total of 55 events. There were 10 compliance visits to different car boot events, covering each organiser at least once. There were no recorded complaints about Car Boot events last year and minor breaches of conditions noted on two occasions, which were resolved following discussions with the organisers.

There were 63 permits issued for Street and House to House Collections. There were no recorded complaints and these were monitored on a regular basis between Town Centre Wardens and Licensing Officers.

7. Conclusion

The licensing regime continues to evolve with many impending changes currently being considered by the Home Office, the Law Commission, and The Gambling Commission etc. The team will continue to horizon scan on any impending changes and prepare reports for the Licensing Committee for consideration of any new major pieces of legislation, or change to existing policies that would have an impact upon our local communities and businesses.

It will also continue to review best practices and look at ways of improving service delivery to our customers; whilst continuing to ensure that licensees are responsible by having due regard for public safety and all of the licensing objectives which assist in making Northampton a safe and enjoyable environment.

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