

LICENSING

Date of Meeting:	10 November 2020
Title of Report:	Licensing Shared Service Update
Report of:	Head of PLACE
Cabinet member:	Cllr Sara Kinnell

1 PURPOSE OF REPORT

- 1.1 This report sets out the new procedures being brought into the licensing team, and upcoming changes, to provide a more streamlined service to customers and applicants.

2 OFFICER RECOMMENDATION

- 2.1 The Licensing Committee is asked to note the contents of this report.

3 BACKGROUND

- 3.1 The national lockdown was brought in on 23 March 2020. The result of this was to close licensed premises, drastically reduce trade for hackney carriages and private hire, and reduce the number of office-based staff at the council. This required the licensing team to adapt quickly to new ways of working and explore options to keep the licensing service running effectively.

4 PROCEDURE CHANGES

- 4.1 **Split Fees** – the decision was taken to split the fees for driver and vehicle renewal applications until 1 September 2020. Following the significant reduction in trade it was felt that this would be a suitable provision to assist the trade in renewing their licences, rather than allowing them to expire and then having to apply for a new licence at further cost. This gave applicants up to six months to pay the second half of a vehicle fee and up to a year to pay the second half of the driver fee. This was revisited in September and it was decided to extend this provision until 13 December, but reduce the payment window from six to three months for the vehicle payment.
- 4.2 **Medicals** – During the lockdown GPs and Surgeries closed and were not doing routine appointments. During this time frame, the decision was taken to allow drivers who needed to renew their medicals to complete a self-declaration to confirm their medical history had not changed since their last medical. Any drivers with known medical concerns had to provide further details which were assessed by our medical advisor. The drivers were then

given six months to get a medical completed, however they were reminded every two months to check with their GPs to try and get a medical completed.

- 4.3** Since the lifting of lockdown, a number of GP surgeries are still not doing routine appointments, and many have taken the decision to move away from providing medicals. To ensure that our drivers can still complete medicals and meet the required DVLA group 2 standard, the licensing team has been investigating the use of an external private company to provide GPs to complete medicals. This option is still being explored but we are using some drivers as a test to pilot the system to check if it will be feasible.
- 4.4** **New Legislation** – The Business and Planning Act was brought in on 22 July 2020 and will be in place until 30 September 2021. Further details are at appendix 1, which includes the briefing note provided to councillors. Under the BPA 2020 any premises with a licence to sell alcohol for on sales is permitted to provide off sales as well. If a premises is to use this provision, they have to alert the licensing team and display a notice at their premises. *The licensing team have not been informed of any premises in town – who do not already have off sales on their license – who are utilising this provision.*
- 4.5** There have been frequent changes to the Covid Regulations. Licensing have maintained two webpages, and made frequent updates to other, to ensure that customers have the most relevant and up to date guidance as relates to their license. This guidance has also been relayed to customers through letters to trade and during various enforcement visits.
- 4.6** **Adhesive Plates** – The licensing team have been exploring options of providing adhesive licence plates to customers. The benefits are:
- Cheaper to produce for the council
 - Cheaper for customers
 - Posted directly to customer
 - Can be produced remotely
 - Reduced administration for licensing team
 - Reduced storage of licensing stock on site
 - Additional security features will be available
- 4.7** The licencing team is finalising details with the identified company to ensure a secure data transfer and update internal procedures. Once these details have been finalised then the trade will be informed via a newsletter of when the plates will go live.
- 4.8** **Vehicle Age Limit** – During lockdown, a number of vehicles have needed to renew which have reached their age limit of seven years. Under section 5.5 of the current Hackney Carriage and Private Hire Policy there is an exceptional circumstances clause, which allows the Team Leader discretion to approve a vehicle to be licensed passed its age limit. This discretion does not allow for a blanket application of section 5.5, and a number of requests had been received by the licensing team. To provide some relief to the trade, and allow these vehicles to be licensed for a final year, the Portfolio Holder approved a time limited extension to these vehicle that have reached the age limit. This will be in place until 31 March 2021. There are nine further vehicles which may apply for it between the date of this report and 31 March.

To date we have granted five extensions, with the condition that they have an additional MOT in 6 months to ensure the vehicle still meets the council vehicle standards.

5 ENFORCEMENT

- 5.1 LA2003 Enforcement** -The Licensing team has conducted enforcement on Saturday 4 July and Saturday 26 September following changes to the Covid regulations. Prior to the visits to premises, the licensing team provided guidance to premises on how to conduct risk assessment and the requirements of the guidance.
- 5.2** The 4 July visits, following guidance that premises where allowed to reopen, covered 18 premises in Hart. The visits showed the premises were following the relevant guidance, and only minimal advice had to be provided on the day to ensure best practice was being followed.
- 5.3** The enforcement that took place on Saturday the 26th of September covered 10 premises in Hart. One premises was identified as requiring further compliance inspections, this was carried out by the police licencing officer later in the week and the issues raised on the night of the inspection were rectified. Fleet High Street was quite busy at 2200 as the premises emptied, but all premises were closed on time.
- 5.4 Taxi Enforcement** – Following a number of complaints about Hackney Carriages touting at British Car Auctions in Blackwater, a morning of enforcement was carried out on 15 October. The complaints alleged that Hackney Carriages had set up a ‘private rank’ and were advertising their services. This is in contradiction of the Hackney Carriage bylaws. On the morning of the enforcement, four Hackneys were found waiting outside the BCA grounds and four were turned away. Warning letters have been issued to the drivers identified and one is being brought in for an interview.
- 5.5 Hearings** – The Licensing Team has had three applications which received representations during the consultation:
- Full Variation, Tesco – mediated
 - New Premises Licence, Home delivery service – mediated
 - Full Variation, Morrisons – awaiting outcome of hearing.
- 5.6** The Morrisons application has received 31 representations and a hearing is currently scheduled for 11 November 2020.

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APPENDICES / CONFIDENTIAL APPENDICES

Appendix 1 - BPA Briefing Note

LICENSING

DATE: 30 July 2020

TITLE OF REPORT: Legislative update to Licensing Committee

Report of: Sophy Brough, Licensing Shared Service Team leader

Cabinet member: Councillor Kinnell,

1 PURPOSE OF REPORT

- 1.1 The purpose of this briefing note is to update the Licensing Committee on changes to the licensing regime that have been brought in under the new Business and Planning Act 2020 (BPA).
- 1.2 An update on guidance from the Department for Transport (DFT) on Taxi and Private Hire standards.

2 BACKGROUND

- 2.1 During the Covid-19 restrictions, a number of licensed premises were closed in order to prevent the spread of the virus. Following the gradual easing of these restrictions new legislation has been enacted to allow for a more streamlined application process for tables and chairs, and also to allow a relaxation in the off sales of alcohol. It is intended that these provisions will allow for better social distancing and assist premises in recouping some of the lost revenue from the four month closure. These provisions will be in place until 30 September 2021.

3 LEGISLATION CHANGES

- 3.1 The Business and Planning Bill 2020 allows a relaxation of the off sales provision. Presently, if a premises licence only allows the on sales of alcohol any change to the licence will require a variation application. During the Covid lockdown the licensing team has been allowing this under a minor variation, depending on the compliance history of the premises, at a cost of £89. The off sales would also be accompanied by conditions to regulate the activity, such as only allowing the sale in a closed container. The BPA 2020 makes the following changes:

- 1) Off sales will be allowed when the premises is open for on sales until 23:00
- 2) Any condition on the licence that would prevent off sales is temporarily suspended.
- 3) Off sales can be allowed in an open container
- 4) Deliveries can be made to a residential or business address
- 5) Off sales can be made into spaced not covered by a premises licence
- 6) Club certificates are not included
- 7) Local authority should be notified if premises are going to use this provision
- 8) Police have a summary off sales review process if required.

- 3.2** Licensing are working with the Police Licensing Officer to ensure awareness of the new legislation. Guidance will be made available to licensed premises on the usual licensing pages on the council website.
- 3.3** DfT have issued an updated guide to licensing hackney carriage and private hire drivers and vehicles. This has been in response to The Policing and Crime Act 2017 which enables the Secretary of State for Transport to issue statutory guidance on exercising licensing functions to protect children, vulnerable adults and the traveling public. As stated in the guidance, DfT “expects these recommendations to be implemented unless there is a compelling reason not to”.
- 3.4** The guidance makes a number of recommendations, and I have outlined some of the more substantial items below:
- 1) Use of the NR3 register of revoked or refused taxi drivers
 - 2) Use of a penalty point system for enforcement
 - 3) Encourages the mandatory use of CCTV – current policy only recommends CCTV use
 - 4) Recommends safeguarding training for drivers – Basingstoke have approved the use of the Blue Lamp Trust training and will be rolling it out to drivers in HDC.
 - 5) Checking DBS every six months – this will require mandating the use of the online DBS update service and procedure change
 - 6) Operators should obtain a basic disclosure for themselves, and one for their staff
- 3.5** A number of the recommendations in the DfT guidance will require amendment to the Taxi and Private Hire Policy. This will need to go before committee *and then possibly out to consultation.*

4 CONSIDERATIONS

- 4.1** Regarding the off sales provision, we were until now requesting that any premises licence who wanted off sales would need to submit a minor variation. Whilst we will not see the income from the minor variation process, we won't be required to process the application so there won't be an additional administrative burden on the team.
- 4.2** Licensing, and the Police, have been granted additional powers to ensure compliance with the BPA provisions for the off sales provision. This will mean a possible increase in complaints due to outside noise, drinking in public places and therefore require more proactive and reactive enforcement. This will lead in an increase in workload for the licensing team and possibly also the environmental health team for noise issues.
- 4.3** Any changes to the Taxi and Private Hire policy will need to be taken to the committee for review, and as previously mentioned possibly out to consultation. Consultation can be up to three months, and then will require communication with the taxi drivers and retraining for the licensing team to administer and enforce the

changes under the policy. Whilst this additional workload will not be realised imminently, it may affect workload towards the end of the year.

5 NEXT STEPS

- 5.1** The next licensing committee is 1 September. A report will be presented at this meeting detailing potential changes to the Taxi and Private hire licensing policy for the committee consideration.

6 USEFUL LINKS

[Business and Planning Act 2020](#)

[Guidance on Off Sales provision](#)

[DfT Statutory guidance on private hire vehicle standards.](#)

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