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Co-operative Council

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Borough of Telford and Wrekin

Licensing Committee

Tuesday 14 March 2023

6.00 pm

The Telford Room, Addenbrooke House, Ironmasters Way, Telford,
TF3 4NT

Democratic Services: Rhys Attwell 01952 382195

Media Enquiries: Corporate Communications 01952 382406

Committee Members: Councillors H Rhodes (Chair), C R Turley (Vice-Chair),
A R H England, M B Hosken, S J Reynolds, J M Seymour,
M J Smith, B J Thompson and D Wright

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Licensing Committee

14 March 2023

Annual Licensing Report

Cabinet Member:	Cllr Richard Overton - Deputy Leader and Cabinet Member: Housing, Enforcement and Transport
Lead Director:	Dean Sargeant - Director: Neighbourhood & Enforcement Services
Service Area:	Neighbourhood & Enforcement Services
Report Author:	Anita Hunt - Public Protection Group Manager
Officer Contact: Details:	Tel: 01952 381818 Email: anita.hunt@telford.gov.uk
Wards Affected:	All wards
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	Licensing Committee – 14 March 2023

1.0 Recommendations for decision:

It is recommended that Licensing Committee:

- 1.1 Note the content of this report and approve the areas of focus for 2023/24, while providing areas for further consideration.
- 1.2 Approve the consolidated Information Sharing Policy – Hackney Carriage and Private Hire Licensing Policy as contained in appendix A.

2.0 Purpose of Report

- 2.1 As a council that is on the side of residents, the purpose of this report is for Licensing Committee to receive an update on the Councils Licensing activity during 2022/23.
- 2.2 This report provides an overview of key licensing activity while providing an overview of complaints, enforcement and initiatives that have supported both residents and businesses.

3.0 Background

- 3.1 Committee will be aware that the Council fulfils a variety of licensing activities. This report focuses on activity undertaken by the Licensing Service who work to protect and support our residents, businesses and those who visit the borough.
- 3.2 The Council has a statutory duty to approve, review and monitor licences and publish policies in relation to certain licensing functions. It is important to note that this report does not cover licenses or permits relating to street works, skips or scaffolding, skin piercing, petroleum and fireworks or environmental permits.
- 3.3 Since April 2022, 855 licence applications were received with 549 licences issued. The remainder were either in progress, incomplete, withdrawn, or refused. Typically, there are approximately 3,500 active licences in operation across the borough that require regular inspection to ensure compliance; this is supported through investigation of complaints and requests for service. Over 1344 requests for service were received in this period ranging from requests for advice and information, assistance with applications, complaints and enquiries to setting up a new business.

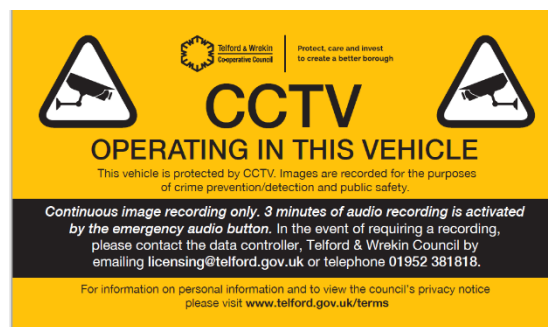


Taxis

- 3.4 The council regulates hackney carriages and private hire taxis through the following ways:

- A Private Hire Operator’s licence;
- A Vehicle Licence, for both hackney carriages and private hire; and
- A Drivers Licence

- 3.5 There are currently 270 vehicles and 330 drivers holding a licence provided by Telford & Wrekin Council. Since April 2022 there have been an additional 23 private hire operators licensed alongside 193 vehicle and 150 driver, new and renewal licences granted.
- 3.6 Since April 2022, 54 complaints were received regarding taxis with only 14 relating to those licensed by Telford & Wrekin Council. 27 complaints were referred to neighbouring local authorities, the remainder (13) either had insufficient information or the complainant did not want to take the matter further. The council has a duty to refer and action complaints received and all complaints have been investigated with 1 resulting in a warning being issued that related to a road safety matter.
- 3.7 There have been no revocations or suspensions during this period. Licensing sub-committee considered one driver licence review with the council refusing two applications as they did not satisfy the approved Licensing policy. The Council is awaiting the outcome of one appeal following refusal to grant.
- 3.8 The council is currently trialling the use of CCTV in vehicles licensed by the authority. The pilot was launched in December 2022 and so far 20 taxis have had the equipment fitted. Feedback is being obtained from both passengers and drivers that will be used to inform the next steps on the possible benefits of installing CCTV on a larger scale. Taxi’s that have CCTV are noted with the following graphic:



- 3.9 Furthermore, the council has reviewed and made improvements to the taxi complaint sticker as shown below and developed a ‘frequently asked questions’ to our webpages. This work is intended to increase awareness on the checks carried out while providing clarity on the complaints process.



3.10 During 2022, further improvements to the Hackney Carriage and Private Hire Licensing Policy have been undertaken. This has seen a consolidation of information on who and how information is shared to ensure that the protocol on information sharing in respect of licensed drivers, vehicle proprietors and operators is clear. The consolidated Information Sharing Policy is contained in Appendix A.

Alcohol, Entertainment & Late Night Refreshment

3.11 There are approximately 600 licensed businesses holding an alcohol licence, entertainment or both, or are licensed for late night refreshments. 18 new premises licenses, 181 Temporary Event Notices and 42 personal licences have been issued since April 2022.

3.12 In December 2022, the council successfully launched the Licensing Safety and Vulnerability initiative (LSAVI) as part of our continued focus on tackling Violence against Women and Girls. Over 80 licensees attended the launch event with over 50 signed up to complete self-assessment tool that explores how licensed premises provide a safe and secure environment for staff, customers and the local community. So far, over 20 businesses have completed the audit process and been awarded 5 stars.



- 3.13 There are two well established and successful pub watch schemes currently in operation in Wellington and Newport. Officers attend all meetings to promote initiatives such as LSAVI while carrying out training with licensees and providing opportunity to answer licensing queries and promote licensing objectives. Further work is being carried out to develop pub watch schemes in other areas.

Night–Time Economy and Licensing Enforcement

- 3.14 The councils dedicated Night-time Economy and Licensing Enforcement team regularly take part in Multi- Agency Targeted Enforcement operations (MATES). These cover licensed alcohol and late night refreshment businesses; Private hire, hackney carriage and scrap metal vehicles and driver compliance exercises, including specific “plying for hire” operations.
- 3.15 Over 30 routine night-time operations focussing on hot spots around late night licensed alcohol and refreshment premises and taxi pick up points have been completed. These operations provide reassurance to the night time community while providing opportunity to tackle specific issues that range from noise nuisance, vulnerable groups, taxi’s plying for hire, anti-social behaviour and breach of licensing conditions. Working in partnership has been a successful approach to bringing about positive change in most circumstances. Actions from such work can include formal warnings, seeking a review of the premises licence and as a last resort prosecution for criminal breaches.
- 3.16 Two plying for hire operations were carried out in 2022. Trained test purchasers approached seven private hire vehicles waiting at the roadside with four drivers accepting an un-booked fare. These breaches are currently under investigation and the local authorities where the drivers are licenced have been informed to enable them to consider revocation of their licence.

General and other Licences

- 3.17 The borough has 33 licensed animal activities including kennels and catteries, dog day care, dog breeders, pet shops, riding schools, zoo’s and one Dangerous Wild Animal licence. A strict licensing and inspection regime controlled by legislation and guidance issued by Department for Environment, Food and Rural affairs (DEFRA) ensures that animal welfare is maintained.
- 3.18 There are 18 gambling premises ranging from betting shops, an adult gaming centre and bingo. Full inspections are carried out and all businesses will have received an inspection by end of March 2023. These inspections ensure that licence conditions are being met and maintained. There are no casino or sexual entertainment licensed businesses in borough.
- 3.19 There are eleven licensed scrap metal collectors working within the borough and seven scrap metal sites. Complaints are received regarding unlicensed collectors with regular multi-agency roadside checks carried out in partnership with West Mercia Police to stop and inspect vehicles that are carrying scrap metal. Those that are unlicensed to operate in the borough receive appropriate warnings along with instruction on how to apply for a scrap metal collectors licence.

- 3.20 There are nine permanent residential mobile home and two touring sites. Annual inspections are carried out on residential sites to ensure that licensing conditions are maintained with no issues being reported during 2022.

Focus for 2023-2024

- 3.21 In addition to fulfilling statutory duties, the team will continue its work with licensed premises to promote and facilitate LSAVI. Work will continue in developing the trial of CCTV in taxis alongside analysis of feedback received.
- 3.22 Promotion of the enforcement activity will continue alongside planned multi-agency operations that keep residents safe while supporting businesses.

4.0 Summary of main proposals

- 4.1 That committee note the contents of this report, approve areas of focus for 2023-24 and provide further areas for consideration.
- 4.2 That committee approve the consolidated Information Sharing Policy – Hackney Carriage and Private Hire Licensing Policy.

5.0 Alternative Options

- 5.1 There are several statutory functions that the council is required to effectively deliver; this is monitored through performance reporting to national government bodies.
- 5.2 The approach taken to enforcement is to engage, educate and where necessary enforce. This ensures a fair and consistent approach is provided to support residents and complaint traders.

6.0 Key Risks

- 6.1 There is always the risk of challenge and right to appeal by those who are issued with breach of condition notices or penalties. However, such appeal and challenge is mitigated through robust process and compliance with necessary legislation to ensure those who do not comply are tackled.

7.0 Council Priorities

- 7.1 This report supports the following council priorities:
- Every child, young person and adult lives well in their community
 - All neighbourhoods are a great place to live
 - Everyone benefits from a thriving economy
 - A community-focussed innovative council providing efficient, effective and quality services

8.0 Financial Implications

- 8.1 Compliance with statutory duties as part of the licensing function is delivered within existing budgets. Licence fees and charges are reviewed annually with the Licensing Service and are set in line with national guidance.
- 8.2 The council aims to recover all costs associated with criminal investigations.

9.0 Legal and HR Implications

- 9.1 The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute.
- 9.2 The Council has a number of statutory powers and duties with regard to the issuing of licences and permits and enforcement against those licensed and unlicensed who are non-compliant. Powers and duties are delegated under the scheme of delegation detailed within the Council's Constitution and then further delegated to officers, as appropriate, in order that statutory obligations are met.

10.0 Ward Implications

- 10.1 This report has implications for all wards in the Borough.

11.0 Health, Social and Economic Implications

- 11.1 Licensing of certain premises and activities is important to ensure that businesses comply with licence conditions, guidance and standards set out in legislation or by government bodies. This safeguards public safety by setting clear guidelines for licensees operating within the borough. Gambling regulation incorporates an overarching social responsibility to help prevent gambling addiction and to protect children and vulnerable groups from harm by restricting access to gambling.
- 11.2 An effective and efficient licensing service not only supports residents and businesses but provides opportunity to ensure compliance with relevant conditions and legislation is maintained. Such compliance ensures public safety is not compromised but also supports the Council in tackling health inequalities.
- 11.3 The recommendations contained within this report are not considered to have a direct impact on the Armed Forces Duty, specific socio-economic groups or town and parish councils.

12.0 Equality and Diversity Implications

- 12.1 Having had regard to the council's obligations it is considered that there are no human rights or equalities implications associated with this report, as they will apply equally to everyone regardless of any protected characteristic.

13.0 Climate Change and Environmental Implications

13.1 Effective monitoring and compliance checks ensures licensed traders adhere to the conditions of their license which in some cases are to protect the environment. For example, licensing of scrap metal sites and mobile collectors can play an important part in reducing the effects of environmental crime such as fly tipping while ensuring such waste is managed in the most appropriate way.

14.0 Background Papers

None

15.0 Appendices

Appendix A – Information Sharing - Hackney Carriage and Private Hire Licensing Policy

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	27/02/23	03/03/23	SH
Finance	06/03/23	06/03/23	PT
Director	06/03/23	06/03/23	DRS

Appendix A - Hackney Carriage and Private Hire Licensing Policy

Information Sharing

Introduction

The policy contains a number of references to information sharing and therefore the purpose of this Appendix is to set out clearly how information is dealt with, in terms of who information is shared with, and requested from, and in what circumstances.

The Council processes information in accordance with the UK Data Protection Act (DPA) and UK General Data Protection Regulation (GDPR) and the Human Rights Act 1998 (HRA). This legislation sets out the guiding principles for sharing information and that there is a lawful basis for sharing information in furtherance of regulatory duty and in the public interest.

The legal basis for the processing of taxi licence related information is that it is necessary for the compliance with a statutory and/or legal obligation. All information is held for the purpose of assessing the suitability of the licence holder/proposed licence holder to be granted a licence or to have their licence reviewed or relating to historical information relating to safeguarding matters.

The legal basis that are relied upon are:

- The Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Article.6.1.c (GDPR) – compliance with a legal obligation
- Article 6.1.e (GDPR) – performance of a task carried out in public interest

Where special category data and/or data related to criminal convictions and offences is processed the following legal basis are relied upon:

- Article 9.2.g (GDPR) – processing data for reasons of substantial public interest
- Schedule 1, Part 2, Paragraphs 6 and 12 (GDPR)

The council may seek and share your relevant information with the following third parties in order to ensure public safety, protect public funds and for the prevention and detection of crime:

Initial application

The Licensing Authority (LA) will seek information from:-

- the Council's Independent Safeguarding team, including the Local Authority Designated Officer and the Multi-Agency Safeguarding Hub (MASH);
- the Council's Personal Safety Precautions register(PSP);
- West Mercia Police , or other relevant police force;
- Other local authorities with licensing responsibilities (where appropriate) – this includes, but is not limited to, their licensing teams and their safeguarding teams;

- the NR3 National Register
- the Disclosure & Barring Service (including information on the Barred Lists);
- Private Hire Operators (where appropriate);
- The Council's complaints team
- Any other organisation, team or agency that may hold information that is relevant to an application for a dual driver's licence, vehicle proprietor licence or private hire operator's licence.

The purpose of this activity is to seek information from a wide range of organisations that would be relevant when considering whether an applicant is a fit and proper person to hold the licence that they have applied for. In order to seek such information, it will be necessary for the Council to securely share relevant personal and special category data of the applicant, including:-

- Name (including any known pseudonyms/aliases and any previous names);
- Address (including previous addresses);
- Date of birth;
- Gender;
- National Insurance details;
- Criminal convictions including motoring offences;
- Other relevant personal and special category data.

Relevant personal and special category data will only be shared to the extent that it is necessary for seeking accurate information from the relevant organisations referred to above.

Renewal applications

The Licensing Authority (LA) will seek information from:-

- the Council's Independent Safeguarding team, including the Local Authority Designated Officer and the Multi-Agency Safeguarding Hub (MASH);
- the Council's Personal Safety Precautions register(PSP);
- West Mercia Police , or other relevant police force;
- Other local authorities with licensing responsibilities (where appropriate) – this includes, but is not limited to, their licensing teams and their safeguarding teams;
- the NR3 National Register
- the Disclosure & Barring Service (including information on the Barred Lists);
- Private Hire Operators (where appropriate);
- The Council's complaints team
- Any other organisation, team or agency that may hold information that is relevant to an application for a dual driver's licence, vehicle proprietor licence or private hire operator's licence.

The purpose of this activity is to seek information from organisations that is relevant when considering whether an applicant is a fit and proper person to hold the licence that they have applied for. In order to seek such information, it will be necessary for the Council to share personal and special category data of the applicant, including:-

- Name (including any known pseudonyms/aliases and any previous names);
- Address (including previous addresses);
- Date of birth;
- Gender;
- National Insurance details.
- Criminal convictions including motoring offences
- Other relevant personal and special category data.

Such personal and special category data will only be shared to the extent that it is necessary for seeking accurate information from the relevant organisations referred to above.

In addition to these checks, the council will carry out at a minimum 6 monthly DBS checks throughout the duration of a licence.

Complaints

When the Council receives a complaint regarding a licensed driver, vehicle proprietor or private hire operator, it is required to consider what action, if any, it is necessary to take to investigate that complaint and to keep members of the public safe during that period. The Licensing Authority may choose to:-

- Revoke a licence;
- Suspend a licence;
- Take action short of revocation or suspension;
- Take no further action.

In most cases, information will only be securely shared once the outcome of a complaint is known and the Council has decided what action, if any, it will take. However, in cases involving very serious complaints, the Council may choose to securely share relevant information prior to any action it takes in relation to the licence. In most cases, the sharing of this information will only be in cases where revocation or suspension of a licence is being considered (see exceptions below). Information about the complaint may be shared with:-

- The Council's Safeguarding Team including the Local Authority Designated Officer and the MASH;
- Other Licensing Authorities where there is reason to believe that the licence holder may also hold a licence with that authority;
- West Mercia Police; or other relevant police force;
- Private Hire Operator if the complaint relates to a driver working with that operator; and
- Any other government or local authority regulatory body or agency where the information relates to public safety, protection of public funds and for the prevention and detection of crime.

Exceptions

There are two exceptions to the above.

The first is where any complaint is made which could reasonably indicate that the licence holder poses a risk of harm to children. In this case, irrespective of the seriousness of the complaint, this information will be shared with the Council's Safeguarding Team so that appropriate investigations can be made in relation to any children who may have contact with the licence holder. The information will also be shared with the Council's Passenger Transport team so that appropriate action can be taken in relation to school contracts (irrespective of whether or not the licence holder currently holds a school contract).

The second exception is where the complaint relates to a driver who is known to hold a school contract. In this case, details of all complaints will be shared with the Passenger Transport team.

All other cases

In all other cases, once a complaint has been concluded, the Council may share information with the following:-

- The Council's Safeguarding Team including the Local Authority Designated Officer and the MASH;
- Other Licensing Authorities where there is reason to believe that the licence holder may also hold a licence with that authority;
- West Mercia Police; or other relevant police force and
- Private Hire Operator if the complaint relates to a driver working with that operator.
- Any other government or local authority regulatory body or agency.

Only relevant information will be securely shared on a lawful basis if it relates to protection of public safety, protection of public funds and for the prevention and detection of crime.

Other

The Council also shares information with:

- Cabinet Office for National Fraud Initiative purposes – for prevention and detection of fraud
- HMRC
- Department for Environment, Food and Rural Affairs (DEFRA).