

Annual Licensing Report

1 October 2020 to 30 September 2021

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1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to give the Licensing and Regulation Committee:
- an overview of the work undertaken by the licensing service over the preceding twelve months
 - an update on existing projects and policies
 - an overview of future proposals
- 1.2 The period covered by the information note is 1 October 2020 to 30 September 2021.

2. OVERVIEW OF THE SERVICE

- 2.1 The service consists of a licensing manager, two licensing officers and one assistant licensing officer responsible for the administration and enforcement of licensing legislation.
- 2.2 The team is assisted by officers in the Management Support Unit (MSU) who undertake a range of administrative functions for the service ranging from basic enquiries to the processing of low risk applications.
- 2.3 The licensing officer and assistant licensing officer posts are all career-graded to encourage staff development and assist with staff retention and service resilience.
- 2.4 All activities undertaken by the licensing service are in fulfilment of statutory duties placed on the Council.
- 2.5 The licensing of houses of multiple occupancy (HMOs), caravan and camping sites, and skin piercers is currently undertaken by the Environmental Health Service. The licensing of the use of Council land is undertaken by the Greenspace Service.
- 2.6 The licensing service's main activities are the determination, issue and enforcement of licences/consents/permits relating to the following activities:

Alcohol, entertainment, and late-night refreshment

- 2.6.1 This includes:
- all sales of alcohol
 - performance of plays
 - exhibition of films
 - indoor sporting events
 - boxing and wrestling
 - performance of live music
 - playing of recorded music
 - performance of dance
 - sale of hot food/drink between the hours of 11pm and 5am
- 2.6.2 Examples of premises that fall within this regime are pubs, members clubs, cinemas, community halls, late night takeaway shops, theatres, off licences, supermarkets, boxing/wrestling venues, music concerts and outdoor music festivals.

- 2.6.3 Temporary event notices (TENs) also fall within this regime; they are temporary permissions to carry out any combination of the above licensable activities. They are most frequently used by premises that do not have a permanent premises licence, for example a school fete or PTA fundraiser. Additionally, permanent premises licence holders use them for temporary extensions to existing licenced hours.
- 2.6.4 TENs are a 'light touch approach' to licensing and are less restrictive than a permanent premises licence as conditions cannot be attached. For that reason, prescribed limits apply to the number of TENs per person and per premises each year and the audience capacity is restricted to 499 persons at any one time.

Gambling

- 2.6.5 Examples of premises that fall within this regime are betting shops, bingo halls, casinos, racing track betting, amusement arcades and poker clubs.
- 2.6.6 It also includes small society lotteries, raffles, and gaming machine permits (pubs, clubs, motorway service stations, etc.).

Taxis and private hire

- 2.6.7 This includes taxi (hackney carriage) and private hire drivers, private hire operators, taxis, and private hire vehicles.

Street trading

- 2.6.8 This covers the sale of goods in the street and any land open to the public without payment within the four main towns and adjacent to the main arterial routes.
- 2.6.9 It includes mobile vendors (such as burger vans, sandwich trucks or ice cream vans), markets (other than Charter or licensed local authority markets), car boot sales and temporary stalls.

Charitable collections

- 2.6.10 This covers collection of money in the street, or the collection of money or goods by going house to house, in the four main towns.
- 2.6.11 Examples of collections covered by this regime include charity collections, sale of goods for charitable purposes, clothing collection bags or flower sellers going from pub to pub on Valentine's Day.

Animal establishments

- 2.6.12 This regime is targeted at ensuring the welfare of animals and covers premises such as kennels, catteries, home boarders, dog breeders, zoos, horse riding schools, pet shops, dangerous wild animals, dog day crèches and keeping/training of animals for the purpose of public performance/exhibition.

Sex establishments

- 2.6.13 This covers sex shops, sex cinemas or sexual entertainment venues (for example, lap dancing or pole dancing clubs).

Scrap metal dealers

2.6.14 This covers any site that:

- buys or sells scrap metal
- recovers salvageable parts from motor vehicles for re-use or sale
- buys written-off vehicles, repairs and resells them

2.6.15 It also includes mobile collectors that travel door-to-door collecting scrap metal.

Hypnotism

2.6.16 This includes all performances of hypnotism for the purpose of entertaining an audience.

Pavement Licences

2.6.17 To assist the recovery of business after the national lockdown and during continued restrictions, Government introduced a new temporary permission for tables and chairs outside of premises offering food and/or drink called a pavement licence.

2.6.18 These are administered by district and borough councils as a fast-track, cost effective method to assist businesses until 30 September 2022 and are an alternative to the County Council issued street café licences. Street café licences are still available and pavement licences will need to be replaced by street café licences when these temporary measures expire.

2.6.19 This was initially a temporary measure until 30 September 2021 however was subsequently extended by twelve months. Government Ministers have since stated they are considering making this a permanent licensing function of district/borough councils.

3. INSPECTIONS

3.1 The licensing service undertakes a series of risk-based planned inspections which were previously reported by way of a local performance indicator (LPI). The number of programmed inspections undertaken within the reporting period was:

INSPECTIONS				
	2017/18	2018/19	2019/20	2020/21
Animal Inspection	21	39	25	2
Gambling Insp - Betting (other)	11	2	1	0
Licensed Premises (alcohol/entertainment/LNR)	260	89	74	0
Private Hire Operator Insp	20	21	5	1
Scrap Metal Site	3	4	1	0
Sex Establishment	1	1	0	0
	316	156	106	3

3.2 Due to lockdown restrictions, inspections were only undertaken in the reporting period when legislation allowed the business to be trading and the inspection was essential.

3.3 Further details on the new inspection program now that inspections can recommence are included at section 12 of this report.

4. APPLICATIONS

4.1 The number of applications processed during the reporting period was:

Number of applications received												
			2017/18		2018/19		2019/20		2020/21			
Hackney Carriage and Private Hire	Dual Driver	Change of name or address	6		5		5		3			
		Upgrade to dual	7		12		3		6			
		Replacement licence	1		1		2		1			
		Replacement badge	1		1		0		0			
		New	2		3		2		0			
		Renewal	17	34	45	67	24	36	35	45		
	Hackney Carriage Driver	Change of name or address	6		4		4		7			
		Replacement licence	1		0		1		0			
		Replacement badge	1		0		0		0			
		Upgrade from PHD	0		3		0		0			
		Renewal	46		57		35		38			
		New	1	55	1	65	0	40	0	45		
	Hackney Carriage Vehicle	Change of name or address	13		4		4		6			
		Transfer of ownership	11		9		14		33			
		New	36		35		61		23			
		Renewal	199		209		220		262			
		Replacement internal holder and plate	0		1		4		5			
		Replacement licence	12		2		0		2			
		Replacement plate	6		2		3		1			
		Temporary Vehicle Plate	15	292	9	271	6	312	5	337		
	Private Hire Driver	Change of name or address	5		6		5		4			
		Replacement badge	1		0		1		1			
		Replacement licence	0		1		1		0			
		Renewal	20		26		18		34			
		New	39		22		9		0			
		Upgrade to HCD	2	67	1	56	0	34	0	39		
	Private Hire Operator	Change of name or address	1		1		5		1			
		New	3		2		4		2			
		Renewal	6	10	2	5	6	15	0	3		
	Private Hire Vehicle	Change of name or address	4		3		5		0			
		Transfer of ownership	1		2		2		2			
		New	29		29		24		6			
		Renewal	99		114		100		90			
		Replacement internal holder and plate	0		1		0		2			
		Replacement licence	6		1		0		0			
		Replacement plate	4		2		2		1			
		Temporary Vehicle Plate	2	145	1	153	4	137	0	101	570	
				603		617		574				
Animal Licensing	Animal Activity Licence	New	13		11		3		7			
		Amend a schedule of animals (No visit)	1		1		0		1			
		Renewal	28	42	28	40	12	15	13	21	21	
Scrap Metal	Site Licence	New	1		0		0		1			
		Renewal	0	1	0	0	2	2	1	2	2	
Street Trading	Street Trading (Fixed Pitch)	New	3		4		4		5			
		Renewal	5	8	3	7	0	4	1	6		
	Street Trading (Town Centre Consent)	New	2		1		0		2			
		Renewal	1	3	4	5	4	4	1	3		
	Street Trading (Transient Trader)	New	1	1	1	1		0	0	0		
	Street Trading (Special Event/Market)	New	0	0	0	0	1	1	0	0		
	Pavement Licences	New	0	0	0	0	6	6	15	28	28	37

Alcohol, Entertainment and Late Night Refreshment	Club Premises Certificate	Replacement	2			2		0		0			
		Minor Variation	1	3		0	2		0	0		1	1
	Film Classification	New	1	1		0	0		0	0		0	0
		Late TEN	126			132			86			70	
	Temporary Event Notice	TEN	519	645		612	744		288	374		177	247
		New	74			102			58			50	
	Personal Licence	Replacement licence	0			6			2			3	
		Change of name or address	29	103		23	131		14	74		27	80
		New	20			32			21			25	
	Premises Licence	Change of name or address	8			8			5			15	
		Vary DPS	90			105			80			51	
		Transfer	32			28			26			12	
		Variation	11			9			6			4	
		Minor Variation	20			10			10			7	
		Review	0			2			0			2	
Replacement		5			10			3			3		
Notification of Interest		2	188	340	0	204	1081	0	151	539	2	121	449
Gambling		Notification of 2 or less Gaming Machines	New	10	10		5	5		8	8		5
	Variation		0			2			1			0	
	Licensed Premises Gaming Machine Permits	Replacement licence	0			1			0			0	
		New	0			0			1			1	
		Transfer	0	0		1	4		0	2		0	1
	Premises Licence	Replacement licence	0			1			0			5	
		Transfer	0	0		1	2		0	0		1	6
	Small Society Lottery	New	30			38			20			17	
		Renewal	45	75	85	45	83	94	44	64	74	54	71
Charitable Collections	House to House Collection	36			44			29			38		
	Street Collection	45	81	81	47	91	91	34	63	63	16	54	54
Sex	Sex Shop	1	1	1	1	1	1	0	0	0	0	0	0
			TOTAL	1765	TOTAL	1937	TOTAL	1342	TOTAL	1216			

- 4.2 The impact of the lockdown and restrictions had a significant impact on the number of applications received however numbers are gradually increasing now.

- 5.1 As of 30 September 2021, the number of current licences issued by the licensing service was:

		2017/18	2018/19	2019/20	2020/21
Adult Gaming Centre Premises Licence		1	1	1	1
* Animal Boarding Establishment	12		n/a	n/a	n/a
* Dangerous Wild Animals	1		n/a	n/a	n/a
* Dog Breeding Establishment	1		n/a	n/a	n/a
* Dog Day Creche	1		n/a	n/a	n/a
* Home Boarding	18		n/a	n/a	n/a
* Pet Shop	4		n/a	n/a	n/a
* Riding Establishment	2		n/a	n/a	n/a
* Animal Activity Licence	0	39	39	35	32
Betting (Other) Premises Licence		19	18	12	12
Club Gaming Machine Permit		2	2	2	2
Club Gaming Permit		1	1	1	1
Club Premises Certificate		35	35	31	31
Dual Driver		102	97	92	85

Fast Track Club Gaming Machine Permit		9	9	9	9
Fast Track Club Gaming Permit		2	2	2	2
Hackney Carriage Driver		138	124	119	109
Hackney Carriage Vehicle		169	181	195	187
House to House Collection		39	31	28	11
Licensed Premises Gaming Machine Permit		14	14	15	16
Notification of 2 or less Gaming Machines		77	74	78	77
Pavement Licences #		0	0	6	24
Personal Licence		1521	1609	1654	1700
Premises Licence		495	511	475	495
Private Hire Driver		147	133	110	82
Private Hire Operator		40	34	32	26
Private Hire Vehicle		109	98	86	72
Scrap Metal Dealer Site		4	4	4	4
Sex Shop		1	1	0	0
Small Society Lotteries		140	77	63	68
Street Collection		55	46	27	2
Street Trading (Fixed Pitch)		2	6	0	2
Street Trading (Town Centre Consent)		4	5	4	1
Street Trading (Special Event/Market Consent)		0	0	1	0
Unlicensed FEC Gaming Permit		1	1	1	1
		3166	3153	3083	3052

5.2 In addition to these licences which, in most cases, are granted in perpetuity the licensing service also issued 247 temporary event notices which are specific to one off small-scale events during the period covered by this report.

5.3 The impact of the lockdown and current restrictions has had a significant impact on the number of temporary event notices as most community events have been cancelled this year however a small resurgence is beginning to take place.

6. MISCELLANEOUS SERVICE REQUESTS

6.1 The licensing service receives a high number of service requests in writing and by telephone, most notably requests for advice on the need for and the submission of an application.

6.2 The high volume of telephone requests is not currently quantifiable as many are not recorded on the database if they can be resolved either at the time of the call or by a return telephone call or email. Those that require a more detailed response, or an investigation are logged as service requests

6.3 In addition to service requests, the licensing service also undertakes a number of functions related to taxi and private hire licensing that are an integral part of assessing drivers' ability to meet the 'fit and proper' person test and that vehicles are roadworthy and compliant with policy.

6.4 Due to lockdown restrictions, face-to-face services were not available during the reporting period so that has reduced the number of taxi-related services provided.

6.5 The number of recorded service requests and ancillary functions within the reporting period was:

MISCELLANEOUS				
	2017/18	2018/19	2019/20	2020/21
Service requests	205	273	269	403
Taxi complaints	40	56	28	28
Taxi compliance tests	363	377	387	371
Taxi Verbal knowledge tests	118	88	30	12
Taxi computerised topographical tests	40	52	10	7
Taxi DBS/Right to Work appointments	155	168	66	15
	921	1014	790	836

NB: 2020/21 knowledge tests, topographical tests and DBS appointments were only available from 01/09/2021 due to lockdown restrictions

6.6 The large increase in service requests is partly due to the number of lockdown enquiries and partly due to increased focus on recording requests that were not instantly resolvable over the telephone.

6.7 The licensing service receives a significant number of freedom of information (FOI) requests, mainly in relation to taxi and private hire licensing or animals. The requests often involve considerable officer time searching the database and extracting the specific information requested. The development of the public register has decreased the number of requests requiring a response however this still takes a disproportionate amount of officer time.

7. COVID-19

7.1 Whilst the lockdown and ongoing national restrictions continued to reduce the number of applications and service requests, dealing with many trade enquiries, and ensuring the trade was regularly updated on new guidance and regulations was a substantial task.

7.2 Understandably, businesses were keen to ensure they complied with the multitude of different guidance notes and legislation, so officers dealt with many telephone enquiries that were not recorded as service requests.

7.3 Where practicable, officers worked with applicants and licence holders to ensure continuity of trade through increased flexibility in interpreting and enforcing policy and legislation provided public safety was maintained.

Animal licensing

7.4 A number of animal licences were due for renewal at the end of December 2020. The legislation mandates that a licence can only be granted (or renewed) following an inspection by a qualified animal inspector confirming the national standards can be met.

7.5 Pandemic restrictions prevented these inspections from being undertaken leaving these businesses at risk of their licence expiring and having to reapply as a new business that would impose a significant administrative and financial burden on already struggling businesses.

7.6 Approval was given from the Leader of the Council, in the absence of the Executive Member, to extend the expiring licences for a further six months at no additional cost. This decision was taken to ensure continuity of business without imposing unnecessary financial burden on those businesses.

- 7.7 This decision as gratefully received, indeed some businesses confirmed that they would have permanently ceased trading had their licence expired.

Taxi and private hire licensing

- 7.8 Towards the end of March 2020, officers had to implement a revised taxi and private hire administration service to ensure continuity of trade for those drivers that wished to continue to work. In the absence of face-to-face appointments for DBS and knowledge tests, and GPs not being able to offer medicals, this proved a challenge.
- 7.9 Temporary measures were implemented to ensure that all taxi and private hire renewals could be processed on time however new driver applications had to cease due to the inability to meet face-to-face. The temporary measures remained in place until 8 September 2021 at which point face-to-face appointments resumed and new driver applications were able to be accepted.
- 7.10 Feedback from the trade confirmed that some of the temporary measures had streamlined the processes improving the service to our customers. Where practicable, temporary changes that improved the service have been retained provided the policy and legislative requirements can still be met.
- 7.11 Despite the positive feedback in last year's taxi and private hire Covid-19 survey, it was clear that many licence holders were experiencing financial difficulty due to reduced travel during lockdown restrictions. The Executive Member for Finance and IT introduced three discretionary grant opportunities for drivers licensed by North Herts Council as follows:
- (a) £500 for any licensed driver resident in North Hertfordshire
 - (b) £500 for any licensed driver irrespective of place of residence
 - (c) £1500 for any licensed driver irrespective of place of residence

Drivers were able to apply for all three grants (subject to the initial residence requirement).

- 7.12 Officers have undertaken a number of engagement opportunities with licensed taxi and private hire drivers and have heard first-hand just how important the grants were to them.

Charitable collection licensing

- 7.13 Due to lockdown restrictions and the ongoing need to observe social distancing outside of lockdowns, charitable collection authorisations were suspended. As the country emerged from lockdown into Step 4, charitable collections were permitted to resume provided that a risk assessment was undertaken to ensure that all reasonable precautions were being taken to prevent the spread of Covid-19.

Alcohol sales licensing

- 7.14 Once licensed venues were permitted to re-open, officers worked with licence holders to ensure maximum opportunity to trade lawfully whilst maintaining public safety. In addition to providing legislative updates on new opportunities such as the automatic off sale provision and pavement licences, officers took a flexible approach to premises specific requests aimed at permitting the requested activities wherever possible.

- 7.15 Due to the long periods of closure, payment of the annual licence fee proved difficult for many licensed businesses. Officers took a relaxed approach to collection of these fees, often allowing a period of trading after lockdown before requiring payment. Legislation allowed for suspension of licences for non-payment however it was deemed more appropriate to allow the business to trade with a temporary extension to the payment date rather than prevent the business from re-opening and eventually lose the business from the district.
- 7.16 When licensed premises were permitted to re-open after each lockdown, officers worked with the police to visit all licensed premises in the four main towns on the first day of opening to ensure that they were undertaking all reasonable precautions to safeguard the public. This also gave the opportunity to work with premises as described in paragraph 7.14 above.

8. LICENSING HEARINGS

- 8.1 Applications under the Licensing Act 2003 for new, varied, or reviewed premises licences/club premises certificates that receive representations are determined by a licensing and appeals sub-committee.
- 8.2 The number of sub-committee hearings held within the reporting period was five (5). Initially seven hearings were scheduled however two were subsequently cancelled following successful mediation between all parties by a licensing office removing the need for a hearing
- 8.3 It is pleasing to report that all members of the Licensing and Regulation Committee have undertaken the mandatory training and are eligible to sit on sub-committee hearings. The amendment to the Constitution requiring a fourth (non-participating) sub-committee member to be present in case of technology failure during virtual hearings has proved a valuable training tool to allow newly-trained members to experience an actual hearing prior to sitting as a voting member at subsequent hearings.
- 8.4 As with all meetings during the pandemic, licensing sub-committees met virtually which proved successful in increasing attendance by persons making representations, or interested observers, due to the convenience of not having to travel to the Council Offices. As these hearings are administered under the Licensing Act 2003 rather than the Local Government Act 1972, they can continue to be held virtually. It has been decided to continue with virtual hearings to increase public participation and transparency in the licensing process.
- 8.5 There is a right of appeal to the Magistrates Court against the decision of a licensing sub-committee however no decisions during the reporting period were subject to appeal.
- 8.6 A licensing or licensing regulation sub-committee would also determine the following applications:
- Contested premises licence applications under the Gambling Act 2005
 - All applications for new sex establishments

No such applications were received during the reporting period.

- 8.7 All other licensing decisions are delegated to the Licensing Manager, none of which have been subject to appeal.

9. LICENSING FEES

9.1 Established licensing fee case law supported by the *Hemming* judgement prevents local authorities from making a profit from licensing fees. The *Hemming* judgement indicated that fees can only cover the reasonable costs of administration and enforcement of the specific licensing regime and should be cost neutral over a period of three years.

9.2 A report was provided to the Licensing and Appeals Committee on 12 December 2013 summarising the legal position regarding fees; the Committee passed the following resolution:

RESOLVED: *That, having considered the criteria suggested within the report, the following principles for the setting of future licensing fees and charges be supported:*

- (a) *licensing fees and charges should be set having regard to the need to promote local economic growth provided that they are consistent with the following objectives:*
 - (i) *That the local Council Taxpayers does not, unless provided for by law or decision of the Council, subsidise the operating costs associated with businesses or other trading entities (i.e. the Council seeks to fully recover the lawful costs licensing activity);*
 - (ii) *the Council may not fully recover its lawful costs associated with licensing activity if a) this would result in significant hardship to third parties, or b) the effect of fees or charges associated with licensing may encourage unlicensed activity and where formal enforcement is unlikely to be an effective control, or c) where the Council specifically wishes to encourage the growth a specific licensable activity;*
- (b) *an analysis of licensing costs, including detailed analysis of all recharges, should be undertaken every three years vis-à-vis licensing fees and charges;*
- (c) *in the years between cost reviews, fees and charges should ordinarily be subject to the Council's published inflationary increase;*
- (d) *any under/over recovery of full cost within existing licensing fees and charges should be rectified without undue delay, where legislation allows. However, where this may result in a significant increase in a licence fee/charge then consideration will be given to a phased introduction of the new levy;*
- (e) *that enforcement activities in respect of unlicensed businesses/individuals should continue with the associated costs being financed from the General Fund; and*
- (f) *that enforcement activities are periodically reviewed to ensure that they are delivered in the most cost-effective manner including, where appropriate, the use of other internal departments or external statutory bodies.*

9.3 This resolution has been fully implemented and a full costing exercise was undertaken before setting the fees in 2019.

9.4 With the agreement of the Executive Member for Housing and Environmental Health, in accordance with (a) (ii) of the resolution, the fees for 2020/21 were held at 2019/20 levels due to the financial impact on businesses of the Covid-19 restrictions.

9.5 Work is in progress on a full costing exercise to facilitate the setting of 2022/23 licensing fees at full cost recovery, where legislation permits, incorporating identified training costs for the development of the licensing team.

10. POLICY WORK

10.1 To ensure transparency for applicants, licence holders and the public, and to ensure consistent decision-making, each aspect of licensing has its own policy clearly stating the Council's requirements and local interpretation where legislation allows.

10.2 The Licensing and Appeals Committee is involved in the development and ongoing review of licensing policies as follows:

(a) Statutory policies under the Licensing Act 2003 and Gambling Act 2005

These policies can only be adopted by Full Council however the Licensing and Appeals Committee are responsible for reviewing the results of the public consultations and recommending the policies to Full Council.

(b) Non- statutory policies

(i) Where policies are reserved for the Executive, Cabinet has the responsibility for the initial adoption of new policies

(ii) Where policies are not reserved for the Executive, initial adoption falls to the Licensing and Regulation Committee

(c) Review and amendment of existing policies

(i) Statutory policies are reserved for Full Council

(ii) Executive non-statutory policies can be amended by the Executive Member for Housing and Environmental Health

(iii) Non-statutory policies not reserved for the Executive can be amended by the Licensing and Regulation Committee, or the Licensing Manager)in consultation with the Executive Member and Chair of Licensing and regulation Committee) depending on the extent of the amendments. Each policy details the responsibilities of each of the potential decision makers.

10.3 In the reporting year, the following policies were considered:

(a) Taxi and Private Hire Licensing

The Licensing and Regulation Committee considered the results of a public consultation at its October 2020 meeting and adopted a new policy. The policy amendments cover a number of environmental considerations and further enhancements of public safety measures.

(b) Statement of Licensing Policy under the Licensing Act 2003

Following a public consultation, a revised policy was considered by the Licensing and Regulation Committee at its October 2020 meeting to recommend the adoption of the policy to Full Council in November. Full Council subsequently adopted the new policy which included improvements to customer engagement and consideration of environmental issues.

(c) Statement of Licensing Policy under the Gambling Act 2005

Following a public consultation, a revised policy is being considered by the Licensing and Regulation Committee at its October 2021 meeting to recommend the adoption of the policy to Full Council in November. The proposed policy enhances the local area profile information, improves customer engagement, strengthens safeguarding concerns, and considers environmental issues.

11. PROJECT UPDATES

- 11.1 The licensing service has several ongoing projects targeted at smarter ways of working, channel shift, public engagement, and income generation, combined with business continuity for licence holders affected by the pandemic.

Public licensing register

- 11.2 The public register is proving a valuable resource in two significant areas:

- (a) Customers have immediate access to licences and can view licence conditions, timings, etc. This is a much quicker service for our customers rather than having to log a call-back and wait for an officer to return the call with the appropriate information.
- (b) Freedom of Information requestors can be directed to the public register where the information requested is published thereon. This saves a significant amount of officer time previously responding to these type of requests whilst the register was being finalised.

- 11.3 Work is underway to allow online applications to be submitted through the public register portal. Two trial application types have been designed and tested and are ready for release.

- 11.4 Online applications through the portal will be a significant resource saving for the Council as the application is released directly into the database automatically populating the database fields. Using the Government portal, applications have to be copy typed into the database in the same way as applications received in hard copy.

Customer engagement

- 11.5 Further work has been undertaken to make our webpages more customer friendly despite the technical nature of the content. Pages are being shortened to cover basic generic information with links to more detailed content based on the specific information required by the customer.

- 11.6 Downloadable guides are being worked on for more frequently requested information such as:

- (a) how to make a representation
- (b) what happens at a licensing hearing

Further guides will be introduced based on customer feedback.

- 11.7 Work has commenced designing online forms for the most frequent contact types. The first online form that has gone live is a taxi complaint form for customers. The form captures the important information needed for an officer to investigate the complaint

which has streamlined the process. Previously, repeated telephone calls were often made between the CSC, complainant, and the investigating officer to establish the correct information. By having a specific form with mandatory fields, the officer should have all necessary information after the initial contact.

- 11.8 One of the most significant changes that has streamlined processes for our customers is an online booking system where an applicant can book a DBS, knowledge test or right-to-work check appointment. Previously, making a booking required a customer to log a call-back/email from an officer with a suggested appointment date. If the proposed date wasn't suitable, further customer contact was needed; with this system, the customer books a date/time that suits their needs.
- 11.9 It is planned to extend the online booking system to include vehicle compliance tests too.
- 11.10 As the last lockdown ended, the team wanted to engage with the taxi and private hire trade to thank them for continuing to offer a service to our customers during difficult times. Accompanied by the Executive Member for Housing and Environmental Health, the team visited the taxi ranks and talked to as many drivers as possible to understand their concerns and discuss ideas they may have to improve the service. This proved very successful and was well received; it is planned to repeat this engagement on a regular basis.
- 11.11 Where practicable, similar engagement with other licence holders such as alcohol licensed premises will be undertaken.

Safeguarding for licensed drivers

- 11.12 Following the introduction of mandatory safeguarding training for all taxi and private hire drivers at initial grant and renewal there has been a significant increase in awareness of their responsibilities. Previously, most new applicants failed their initial knowledge test on the safeguarding section however most applicants are now passing. There have been no failures at renewal stage.

Safeguarding

- 11.13 It is the view of the Institute of Licensing that safeguarding should become a licensing objective for all licensing regimes and this is strongly supported by officers. Until such time as legislation provides for this, officers will continue to highlight safeguarding expectations in all licensing policies as they are reviewed.

Licensing forums

- 11.14 The Animal Licensing Consultative Forum and the Taxi & Private Hire Consultative Forum remain key aspects of liaison between officers and licence holders. The Forums play a role in the ongoing review and development of policy.
- 11.15 Lockdown restrictions prevented the forums from being held in person and so officers have been considering alternative methods of engagement. As part of the taxi and private hire engagement, officers discussed this with licence holders. It was agreed that a closed forum where information could be shared, and questions posed and answered for all to see would be appreciated.
- 11.16 Officers have created a closed membership Taxi Forum Facebook page which is being launched this month and administered by licensing officers. It will be used by officers to

post important trade information, legislative updates, etc and conduct consultation such as the upcoming review of taxi fares.

- 11.17 Licence holders that do not have access to social media will still receive email correspondence as they do now.
- 11.18 Licence holders will also be able to post questions for officers and the officers' answers will be available for all to view which may reduce repeated customer contact on the same issue.
- 11.19 The success of the page will be monitored and, if successful, will be extended to other licence holder groups such as an Animal Forum or Licensing Act Forum.

Channel shift

- 11.20 Further development of the online application facility within the public register portal is in progress. It is intended to trial the system using temporary event notices and personal licences first as they are the highest volume application types.

Pavement licensing

- 11.21 The temporary power for district/borough authorities to issue pavement licences as opposed to County Council street café licensing proved popular amongst businesses as the country came out of lockdown.
- 11.22 Officers took a permissive approach to licensing provided that sufficient space remained on the footways to allow safe and unobstructed passage for those with disabilities. Where concerns were received from the statutory consultees, solutions were found rather than refusing the application.
- 11.23 All existing licence holders were contacted during September to remind them that their temporary pavement licence expired at the end of that month and advised that an application for a further year could be submitted.
- 11.24 Not all businesses have renewed as the use of outdoor seating areas is not necessarily conducive with this time of year but have indicated that they are likely to do so as we approach spring.
- 11.25 To assist businesses in avoiding unnecessary administrative burden, where the renewal application was identical to the previous licence, existing plans/furniture details/insurance certificates were used requiring only a new application and confirmation of the site notice. Consultation with statutory consultees was undertaken on the basis that previous licences with no evidence of issues during the licence period would be automatically renewed.

Town centre licensing

- 11.26 A number of issues arose during the course of the year in relation to Hitchin Market Place, specifically in relation to the ability for traders to use Hitchin BIDs street trading consent or come directly to the Council for their own individual permits. Additionally, there was no central control over the use of the Market Place for temporary event notices causing issues when traders obtained their own temporary event notices preventing Hitchin BID from doing so on those days for their own community events.

- 11.27 Whilst the authority to issue permits/licences/temporary event notices is reserved for the licensing authority and cannot be delegated to Hitchin BID, it was clear that a more formal arrangement was needed for the use of Council-owned land.
- 11.28 A management agreement has been produced by the Council's legal team that sets out the responsibilities for the use of the Market Place including responsibility for ensuring that the area is kept in a good state of repair and cleanliness.
- 11.29 Hitchin BID are now a consultee on applications in the Market Place so that they are aware of upcoming usage and how it may impact on their planned events. Whilst they cannot refuse an application, the impact on Hitchin BID community events can be considered by officers during their determinations.
- 11.30 The agreement also sub-divides Market Place in separate grid areas which traders/organisations can be allocated to by Hitchin BID to ensure that the impact on other Market Place users is minimised. These grid references are included on permits/licences issued by the Council.

12. NEW INSPECTION PLAN

- 12.1 The number of inspections remains very low due to the pandemic restrictions however it has given the team an opportunity to consider how best to undertake this task going forward.
- 12.2 The Committee had previously questioned whether the number of recorded inspections was proportionate to the number of licensed premises in the district and adequately addressed the perceived risks to the public.
- 12.3 It became apparent that the team was undertaking a number of inspections that were not being formally recorded: only formal scheduled inspections were being recorded on the database and included in the Annual Report.
- 12.4 The list of scheduled inspections has been revisited and the initial risk assessment amended to ensure that resources are focussed on premises with a high risk to the public or a history of complaints.
- 12.5 In addition to the risk-rated inspections, new reporting codes have been introduced onto the database to record visits that were not previously being recorded and to introduce some new types of visit for the first time. These visits include:
- (a) Enforcement visits
Any visit investigating a complaint will now be logged as an inspection
 - (b) Out of hours/joint operation visits
These will now be logged as inspection visits as licence compliance checks during busy trading hours are undertaken
 - (c) Vehicle inspections
Ad hoc visits to taxi ranks where basic vehicle checks are undertaken will now be logged as inspections
 - (d) Courtesy visits
Whilst working in the district, officers often call into premises for a courtesy visit and to undertake some basic checks; these will now be logged as inspections

- (e) New premises licence holders
To ensure that new licence holders are fully conversant with their licence, inspection visits will be made within the first few months of a new business opening.
- (f) Vary DPS/Transfers
When a business changes hands, or a new DPS is employed, visits will be undertaken within the first few weeks to ensure that the existing licence is still relevant, and that the new management are fully conversant with licence conditions and timings.

Data on these new inspection visit numbers will be itemised in the next Annual Report.

13. TEAM DEVELOPMENT

- 13.1 As a regulatory service, it is essential that officers are given development opportunities to expand their knowledge. This is important in delivering the best possible service to our customers whilst retaining officers for service resilience.

Professional Licensing Practitioner Qualification

- 13.2 During the reporting year, a second officer passed the above qualification offered by the Institute of Licensing. A further officer will be undertaking the qualification during early 2022 which will then mean the entire service holds a professional licensing qualification.

Specialist Paralegal Qualification in Licensing Law

- 13.3 An officer has been successful in passing the above qualification from Central Law Training allowing her progression to senior licensing officer in the near future. This will allow the service to introduce specialist pre-application advice which will generate additional income for the Council and provide some resilience in the absence of the licensing manager.

BTEC Level 3 Certificate for Animal Inspectors

- 13.4 An officer has successfully completed the examination modules of the above qualification accredited by OFQUAL and is currently compiling a portfolio of practical inspections to complete the qualification.
- 13.5 Currently the Council are reliant on outsourcing animal inspections to Central Bedfordshire Council who employ accredited inspectors as required by the Animal Welfare Act 2010.
- 13.6 Completion of this qualification will allow the Council to return animal inspections in-house, with the resilience of Central Bedfordshire Council until a further officer obtains the qualification, thus providing a more cost effective service to our customers.

Apprentices

- 13.7 The service has shared an apprentice with the Community Protection Team for a number of years which has proved an invaluable resource. The previous shared apprentice is currently employed as a temporary licensing officer covering a period of adoption leave within the team.

- 13.8 The current shared apprentice is undertaking a number of customer engagement focussed tasks such as improving the quality and accessibility of information provided on our website.
- 13.9 Both apprentices have been actively involved in the day-to-day administrative tasks of the service including undertaking vehicle compliance tests, driver knowledge tests, etc.

14. FUTURE PROPOSALS

- 14.1 The licensing service has several future developments planned that are targeted at increased channel shift, customer focus and income generation. It is important to be aware that some of these ideas are still at the developmental stage and that implementation will be dependent on available resourcing and practicalities. The development of some of these ideas has been delayed by the added pressures of the pandemic.

Income generation

- 14.2 Where permitted by licensing fee legislation and case law, the licensing service will be introducing charging for some discretionary services including, but not limited to:
- Pre-application advice for Licensing Act 2003 applications
 - Training for prospective taxi and private hire drivers
 - Training for new alcohol-licensed premises supervisors

It is hoped that with the recent website review nearing completion, the pre-application advice can commence shortly. The training service will follow depending on likely uptake following discussions with licence holders over the next few months.

Customer engagement

- 14.3 Following the introduction of making Members aware of Licensing Act 2003 applications in their wards to ensure that residents most affected can be informed, officers are looking to extended this to other types of application open to public consultation.
- 14.4 Customers often get frustrated when they approach officers about problems with a licensed premises only to be told it's not part of the licensing remit and they need to contact other Council departments e.g., parking issues outside takeaway premises. Recent changes to the Licensing Act 2003 and Gambling Act 2005 policies have now committed to assisting customers by engaging across Council services to try to resolve issues on a multi-service basis where appropriate.
- 14.5 Further enhancements to licensing webpages are being considered to ensure they are readily accessible and written in plain English. Officers are considering increased usage of online forms for capturing information rather than customers having to go through a series of phone calls with CSC and licensing officers to capture the necessary information to answer the query/investigate the complaint.
- 14.6 Following the success of the taxi and private hire survey in 2020, officers are considering other surveys to capture the thoughts of other licenced areas on the licensing service and how it can be improved, for example the alcohol licensed trade, street traders, etc.

- 14.7 Officers are also considering a survey of customers that are not licence holders to determine the effectiveness of the service and how we could better serve our customers. Further discussions will be undertaken with our community engagement officers and the Executive Member for Community Engagement on how this could be best achieved.
- 14.8 The Ward Member for Arbury raised an important issue recently following some large-scale festivals in his ward. Whilst the licence conditions sometimes require local notification, this has not always been successful especially if the promoter doesn't know the local area and the residential areas most likely to be affected. It also leads to local concerns about the likely impact on the area in terms of noise, transport, increased presence in small villages, etc.
- 14.9 Officers are working on a briefing note template that can be completed for each event at an early stage when the licensing authority is first notified of an event. There is a limit to the information that can be shared due to commercial sensitivity and security implications however basic information such as dates, timings, nature of event, likely transport implications, etc. could be included.
- 14.10 This briefing note can then be provided to the Ward Member for them to disseminate and/or answer questions from residents of their ward. Where practicable, Ward Member details will be provided to event organisers to liaise on local communication by the event organiser. This could also be extended to Parish Councils too, where appropriate, but expectation will have to be managed as there would be no compulsion on the event organiser to act upon concerns raised; it's more a matter of communication.
- 14.11 Officers are aware that other local authorities are considering the introduction of additional training requirements for taxi and private hire drivers, for example disability awareness, how to assist disabled persons entering a vehicle, and/or customer service. Consideration is being given to this by officers, especially given the Government move towards a minimum national standard, however they will need to balance the cost to licence holders already suffering from the economic effects of lockdown with the benefit to travelling customers. An alternative could be to add these additional training courses to enforcement options available to officers when specific complaints are being received.

Safeguarding

- 14.12 Reference to safeguarding will be included in all remaining licensing policies as they are reviewed to ensure that every policy identifies the need for licence holders to be aware of these issues. Whilst licensing objectives may not always cover safeguarding responsibilities, policies will stress the moral obligation of licence holders and their staff to be aware of warning signs to look out for.

Channel shift

- 14.13 As part of the development of the website, officers are also reviewing where other improvements to the service can be made such as:
- An online booking system for compliance test appointments
 - Further focus on online applications through the Council's own public register portal as opposed to the GOV.UK portal
 - Online forms for reporting concerns that are designed to capture the information needed by officers rather than numerous telephone exchanges

Tax status checks

- 14.14 From April 2022, the Government have introduced a new requirement that licensing authorities cannot consider an application for grant or renewal of taxi or private hire drivers, private hire operators, or scrap metal dealers until they are able to prove that the HMRC are aware of the individual/company. This involves the applicant completing an online HMRC questionnaire and obtaining a tax check reference number.