

# Annual Licensing Report

1 October 2022 to 30 September 2023

1.	Executive summary	p2
2.	Overview of the service	p2 – p6
3.	Inspections	p6 – p7
4.	Applications	p7
5.	Licences	p7
6.	Miscellaneous service requests	p8
7.	Licensing fees	p9
8.	Licensing hearings	p10
9.	Enforcement activity	p10 – p11
10.	Policy work	p11 – p13
11.	Channel shift	p13
12.	Project updates	p14 – p17
13.	Team development	p17 – p18
14.	Future legislative changes	p18 – p20
15.	Appendices	p20

## 1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to give the Licensing and Regulation Committee:

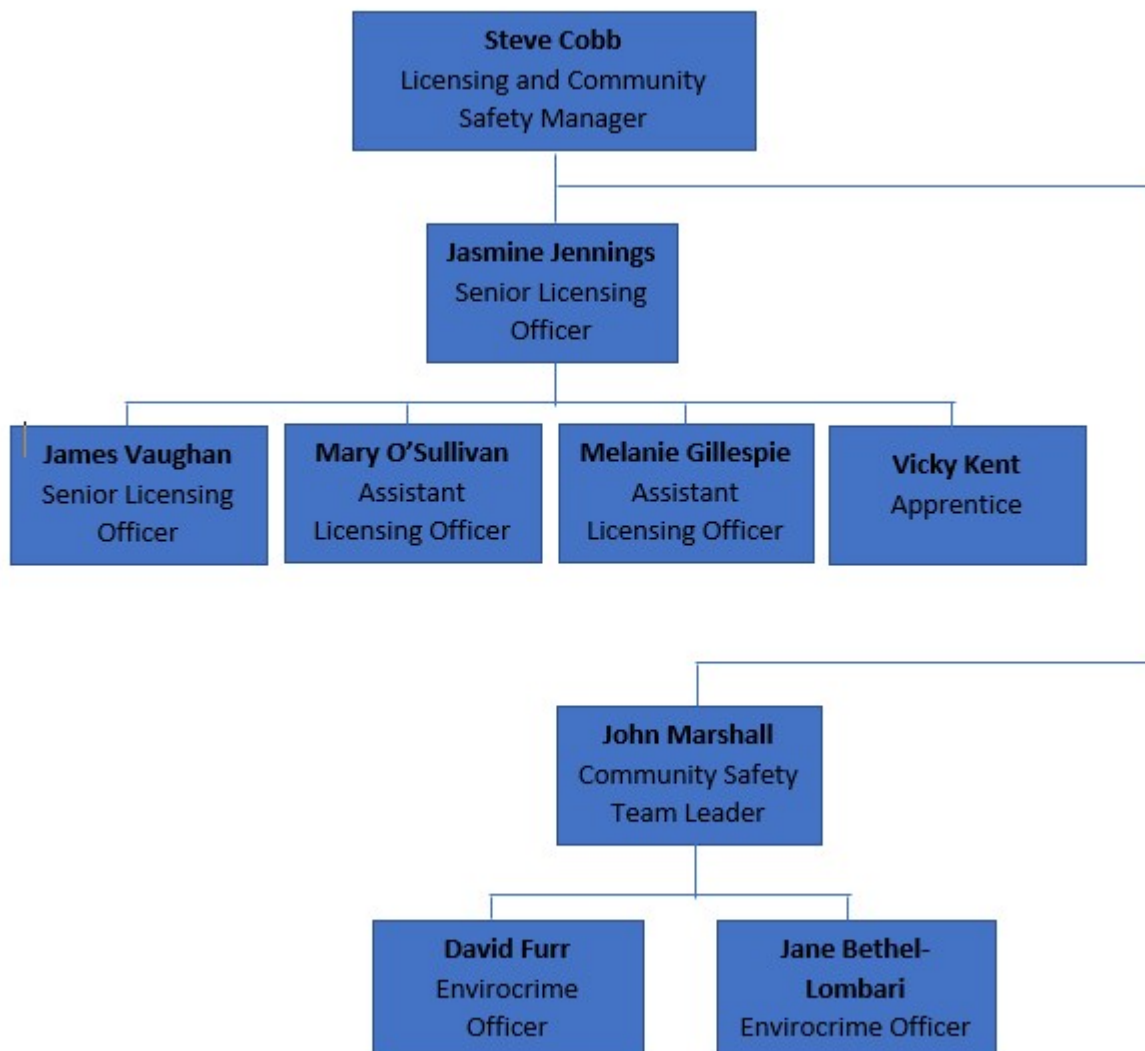
- an overview of the work undertaken by the licensing service over the preceding twelve months
- an update on existing projects and policies
- an overview of future proposals

1.2 The period covered by the report is 1 October 2022 to 30 September 2023.

## 2. OVERVIEW OF THE SERVICE

2.1 From 1 November 2022, the licensing service formally combined with the community safety service.

2.2 The new structure delegates additional responsibilities to the senior licensing officers to allow the licensing and community safety manager to oversee both service areas.



- 2.3 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. This assistance is a key component in being able to deliver an effective licensing service to our customers.
- 2.4 The licensing officer and assistant licensing officer posts are all career-graded to encourage staff development and assist with staff retention and service resilience.
- 2.5 All activities undertaken by the licensing service are in fulfilment of statutory duties placed on the Council.
- 2.6 The licensing of the use of council land is undertaken by the greenspace service manager.
- 2.7 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**

2.7.1 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

2.7.2 Examples of premises that fall within this regime are pubs, members clubs, restaurants, cafes, cinemas, community halls, late night takeaway shops, theatres, off licences, supermarkets, boxing/wrestling venues, music concerts and outdoor music festivals.

2.7.3 A mandatory licence condition requires any film exhibited to the public to either be classified by the British Board of Film Classification (BBFC) or the local licensing authority.

2.7.4 There is an increasing number of small independent film makers locally where BBFC classification is cost prohibitive, therefore the licensing service undertakes the age classification of these films on a cost recovery basis.

2.7.5 North Herts has a high number of outdoor events and festivals across the district that is regularly increasing. Some examples of recent events:

- Liam Gallagher at Knebworth Park (2022)
- Try Fest in Letchworth (annual event)
- Lazy Sunday in Letchworth (annual event)
- Goat Fest in Codicote (annual event)
- Todd in the Hole in Todds Green (annual event)
- Noughty 90s in Hitchin (annual event)
- Abode Halloween in Hitchin (annual event)
- Shhh Festival in Weston

- 2.7.6 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.
- 2.7.7 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**

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

### **Taxis and private hire**

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

### **Street trading**

- 2.7.11 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.
- 2.7.12 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.

### **Pavement Licences**

- 2.7.13 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.
- 2.7.14 These are administered by district and borough councils as a fast-track, cost effective alternative to county council issued street café licences. Street café licences from the county council are still available for seating areas away from the immediate frontage of a premises.
- 2.7.15 This was initially a temporary measure until 30 September 2021 however has subsequently extended annually with the current licences expiring on 30 September 2024.
- 2.7.16 The Levelling-up and Regeneration Bill will formalise the temporary arrangements into legislation and introduce enforcement powers for district and borough councils, a power currently reserved for highways authorities only. It is unclear until the legislation has been finalised whether county council street café licences will be retained or whether pavement licences will be the only licence for this activity.

### **Charitable collections**

- 2.7.17 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 only.
- 2.7.18 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**

- 2.7.19 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**

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

### **Scrap metal dealers**

- 2.7.21 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
- 2.7.22 It also includes mobile collectors that travel door-to-door collecting scrap metal. Mobile collectors must have a licence for each district/borough that they undertaken collections in.

### **Hypnotism**

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

### **Houses in multiple occupation (HMOs)**

- 2.7.24 A property is an HMO if both the following apply:
- at least three tenants live there, forming more than one household
  - toilet, bathroom, or kitchen facilities are shared
- 2.7.25 An HMO requires a licence if the property is rented as a shared house, flat, or bedsit if both the following apply:
- at least five tenants live there, forming more than one household
  - toilet, bathroom, or kitchen facilities are shared
- 2.7.26 Persons involved in the management of an HMO have to be assessed by the Council to ensure that they are a 'fit and proper' person to undertake that role.

## Park homes, caravan sites, and camp sites

- 2.7.27 The provision of land for mobile (park) homes, caravans, or camping in any moveable structure requires a licence from the local authority.
- 2.7.28 Persons involved in the management of a park home/caravan/camping site have to be assessed by the Council to ensure that they are a 'fit and proper' person to undertake that role.

## Skin piercing

- 2.7.29 Any person or business carrying out skin piercing activities must be registered with the local authority. The premises in which the activities are carried out must also be registered.
- 2.7.30 Skin piercing activities include, but are not limited to:
- acupuncture
  - tattooing
  - cosmetic piercing
  - electrolysis
  - semi-permanent skin colouring
- 2.7.31 Although this is only a registration scheme, local byelaws enforce standards of hygiene and safety.
- 2.7.32 Primary legislation has been enacted by Parliament to allow the Secretary of State to introduce a new non-surgical skin piercing licensing regime. A consultation process on the details of the licence scheme has been launched by Government.

## 3. INSPECTIONS

- 3.1 The licensing service undertakes a series of risk-based planned inspections to ensure licence compliance and minimise the risk to public safety. The number of inspections undertaken within the reporting period was:

INSPECTIONS					
	2018/19	2019/20	2020/21	2021/22	2022/23
Animal Inspection	39	25	2	10	23
Gambling Insp - Betting (other)	2	1	0	0	7
Alcohol/entertainment/LNR risk-rating visit	89	74	0	1	65
Alcohol/entertainment/LNR courtesy visit	0	0	0	0	45
Private Hire Operator Insp	21	5	1	5	3
Taxi/private hire courtesy visits	0	0	0	0	21
Skin Piercing	0	0	0	14	49
Scrap Metal Site	4	1	0	0	0
Sex Establishment	1	0	0	0	0
	156	106	3	30	213

- 3.2 As previously reported, a new inspection regime has been implemented to increase the number and relevancy of inspections undertaken.

- 3.3 Inspections are now targeted at premises on the basis of risk to the public, plus more proactive inspection visits for new premises management are being undertaken with a view to reducing the need for reactive visits if problems arise.
- 3.4 The types of inspections now being programmed and logged on the licensing database include:
- any visit investigating a complaint
  - programmed annual inspections for in perpetuity licences based on a risk-matrix
  - mandatory mid-term licence inspections for longer fixed term licences such as animal establishment licences
  - out of hours inspections during peak operating hours based on a risk-matrix
  - joint inspections with other agencies, such as the police or fire
  - ad hoc courtesy visits to taxi ranks where basic vehicle checks are undertaken
  - ad hoc courtesy visits to licensed premises
  - courtesy visits to new licence holders within the first few months of a new premises opening
  - courtesy visits within the first few weeks of a business changing ownership when the licence is transferred
  - courtesy visits to alcohol licensed premises when a new designated premises supervisor takes over the day-to-day management
- 3.5 The number of inspections undertaken in the reporting year, whilst a significant increase on previous years, is still lower than hoped due to the resignation of a senior member of staff. This vacancy has now been filled and a full program of inspections is now underway which will further increase the number for next year's report.

#### **4. APPLICATIONS**

- 4.1 The number of applications processed during the reporting period is attached as Appendix A.
- 4.2 As the figures demonstrate, the effect of the pandemic on the number of applications has continued to be reversed. Indeed, it is encouraging to see an increase in the number of new businesses starting up in North Hertfordshire.
- 4.3 Sadly, the current economic climate has led to the loss of a few licenced premises, mostly smaller independent businesses.

#### **5. CURRENT LICENCES**

- 5.1 As of 30 September 2023, the number of current licences issued by the licensing service is attached as Appendix B.
- 5.2 In addition to these licences which, in most cases, are granted in perpetuity the licensing service also issued 568 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 coming out of the pandemic, had a significant impact on the number of temporary event notices (TENs) as most community events were cancelled due to restrictions and economic recovery. It is encouraging to see that the number of TENs is now returning to pre-pandemic levels, increasing the vibrancy of communities in the district.

## 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 Due to a high volume of telephone requests that were not quantifiable for fee setting purposes, plus the need to have an auditable trail of advice given, from 2021 customers were required to submit service requests in writing. This also reduced the number of back and forward telephone calls establishing further information or the customer not answering the call.
- 6.3 This new approach reduced the amount of officer time needed to deal with basic service requests, thus providing a more effective service for the customer.
- 6.4 Additional work has been undertaken on the website to allow customers to self-serve on the more basic requests.
- 6.5 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.
- 6.6 During the reporting period, three individual appointments (DBS, right to work, and verbal knowledge test) were combined into one new driver appointment to provide a more effective and efficient service to our customers.
- 6.7 The number of recorded service requests and ancillary functions within the reporting period was:

MISCELLANEOUS					
	2018/19	2019/20	2020/21	2021/22	2022/23
Service requests	273	269	403	423	418
Taxi complaints	56	28	28	26	24
Taxi compliance tests	377	387	371	425	434
Taxi Verbal knowledge tests	88	30	12	50	53
Taxi computerised topographical tests	52	10	7	33	17
Taxi DBS/Right to Work appointments	168	66	15	94	41
New driver appointments #	0	0	0	0	23
	1014	790	836	1051	1010

Note:

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

# New driver appointments were introduced in March 2023 to combine DBS/RTW/verbal tests into one appointment

- 6.8 The licensing service receives a significant number of freedom of information (FOI) requests, mainly in relation to taxi and private hire licensing, premises licensing, or animals. The full implementation of the public licensing register has decreased the amount of officer time needed to process these requests as the majority can now be referred directly to the information already publicly available on the register. Numbers of FOI requests have not been included in this report as they are recorded by the FOI Team.



## 7. LICENSING FEES

7.1 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.

7.2 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.*

7.3 This resolution has been fully implemented and a full costing exercise was undertaken before setting the fees for 2023/24.

7.4 Work is in progress on a full costing exercise to facilitate the setting of 2024/25 licensing fees at full cost recovery, where legislation permits, incorporating identified training costs for the development of the licensing team and administrative cost savings arising from channel shift.

## **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 Only one licensing sub-committee hearing was held within the reporting period, the lowest annual number, reflecting the additional engagement the case officer now undertakes with the applicant, responsible authorities and customers who may be considering making representations. This engagement often alleviates the need for representations where the concerns can be adequately addressed by the applicant and incorporated into the application by way of an amendment. It also removes the possibility of representations being made on a misunderstanding of the application or a lack of detail in the application form.
- 8.3 The amendment to the Constitution requiring a fourth (non-participating) sub-committee member to be present in case of technology failure during virtual hearings continues to be 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 is proposed to continue with virtual hearings to increase public participation and transparency in the licensing process, save for any significant application where it would be in the public interest to hold the meeting in person.
- 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 and community safety manager, none of which have been subject to appeal.

## **9. ENFORCEMENT ACTIVITY**

- 9.1 The service has a range of enforcement tools available to ensure compliance with licence conditions or target unlicensed activity. Save for the most serious cases where there is, or has been, an identifiable risk to public safety, enforcement activity is designed to secure future compliance.
- 9.2 Enforcement tools include but are not limited to:
- Advice and guidance

- Informal warnings
- Driver licence penalty points (taxi and private hire only)
- Community Protection Notices
- Fixed Penalty Notices
- Statutory Notices i.e., Improvement Notices
- Licence suspension
- Licence revocation
- Closure Notices
- Prosecution

9.3 There have been two significant enforcement cases during the reporting period.

Animal prosecution

One of the licence holders of an animal boarding establishment was successfully prosecuted for causing unnecessary suffering of an animal when a dog died whilst in their care. Sadly, the dog was left in the van used to collect it from the owners on a very hot day and died before it was discovered. This was a case of a tragic human error and not indicative of the usual standard of care in the five-star establishment therefore the licence was not revoked. Both licence holders were given a Simple Caution and the driver of the van is no longer involved in the care of animals.

Animal licence revocation

A licensed home dog boarder was caught on camera mistreating a dog in their care whilst out walking. The licence was suspended to allow a full investigation and subsequently revoked. No further details can be given as formal enforcement action is still being considered.

9.4 Additionally, although not strictly enforcement action, taxi or private hire driver licences can be refused due to the driver not being a fit and proper person, or a licence can be suspended or revoked.

9.5 There is one case of refusal of a driver licence during the reporting period. The applicant had previously been a taxi driver but surrendered his licence. When he reapplied as a new applicant many months later, it transpired that he had been prosecuted for offences whilst a licensed driver that precluded him from obtaining a new licence under the Council's Policy.

**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 Regulation 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 Regulation Committee is 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 relevant Executive Member
    - (iii) Non-statutory policies not reserved for the Executive can be amended by the Licensing and Regulation Committee, or the licensing and community safety manager (in consultation with the relevant Executive Member and Chair of the 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 Additionally, adopted policies include a provision for minor amendments to be made to existing policies by the licensing and community safety manager. Each policy defines the extent of the minor amendments allowed under that delegation and ordinarily require consultation with the relevant Executive Member and the Chair of the Licensing and regulation Committee.
- 10.4 The Licensing and Regulation Committee adopted a revised Houses in Multiple Occupation (HMO) Policy at its meeting on 7 February 2023.
- 10.5 A few minor amendments were made by the licensing and community safety manager to the Street Trading Policy, in consultation with the relevant Executive Member and the Chair of the Licensing and Regulation Committee.
- 10.6 The amendments can be summarised as follows:
- Clarification of the legislation relating to pedlars
  - Reference to pavement licences
  - Amendment of officer job title following the restructure
  - Clarification of the grounds for refusal
  - Reference to land management agreements for town centre BIDs
- 10.7 For the next reporting period, 1 October 2023 to 30 September 2024, the following policies will be subject to review:

#### Statement of Gambling Principles

This is a statutory policy that must be adopted by Full Council however the Licensing and Regulation Committee consider the responses to the public consultation and propose the policy for adoption. This policy must be adopted by 3 January 2025 therefore a public consultation will be undertaken in 2024 with a view to presenting the outcome to the Licensing and Regulation Committee at its 2024 Annual Meeting.

#### Charitable Collections Policy

Some minor amendments are needed to this policy that fall within the remit of the licensing and community safety manager. These amendments will be limited to issues that have arisen operationally with the policy such as collection locations, number of collections per day, clarification of wording, plus the amendment of job titles following the recent restructure.

### Caravan and Camping Sites Policy

The current policy is due for review and will need updating to incorporate National Model Standard Conditions. All existing sites are in the process of being inspected to assess compliance against the Model Standards, which will help inform the revised policy wording. As these policy changes have the potential to impact on existing sites, this policy will be subject to public consultation and adoption by the Licensing and Regulation Committee.

### Taxi and Private Hire Policy

As reported in last year's annual report, work has been ongoing with the taxi and private hire trade to improve the service provided by the Council. Several new methods of working have been trialled throughout the current working period and, following successful trials and positive trade feedback, have been introduced permanently. The current policy will need amending to incorporate these operational changes however this is likely to fall within the remit of the licensing and community safety manager, in consultation with the relevant Executive Member and the Chair of the Licensing and Regulation Committee. Further information on these amendments appears later in this report.

## **11. CHANNEL SHIFT**

- 11.1 The need for officers to develop new ways of working during the pandemic to ensure continuity of trade highlighted that several service improvements, temporarily introduced during the pandemic, could be permanently introduced to improve our service to customers. This mindset has continued with staff continually reviewing their working practices to ensure they are the most cost effective and efficient for our customers.
- 11.2 The use of online booking technology for taxi and private hire appointments has been expanded and is saving considerable time and resource.
- 11.3 Online taxi and private hire application submission was trialled and well received, significantly improving the efficiency of our service. In particular, it ensures that all component parts of an application are included with the submission as they are mandatory fields.
- 11.4 Officer time saving has been utilised in expanding our work to ensure that the public remain safe. With all taxi and private hire drivers now having to sign-up to the online DBS service and maintain that throughout the duration of their licences, officers can now undertake periodic online checks to ensure that no new entries have been made on any DBS. This ensures that if a driver committed received a conviction during the period of their licence, the Council would be aware and could take the necessary action.
- 11.5 Increased officer time is now being used to undertake a program of risk-based inspections starting with the highest risk premises.
- 11.6 The closed membership Taxi Forum Facebook page continues to be used where licence holders can post questions. The advantage of this Forum is that all members can see the officer responses reducing the need for others to ask the same question. Equally, officers can post important messages/updates for licence holders. Monthly email updates of posts are sent to those licence holders that choose not to join the Facebook Forum however it is planned to encourage further sign-up to the Facebook page.
- 11.7 Given the success of the Taxi Facebook Forum, officers are considering the introduction of similar pages for other licensing areas where there is significant contact with the trade, for example animal licence holders.

## 12. PROJECT UPDATES

- 12.1 The licensing service has several ongoing projects targeted at smarter ways of working, channel shift, public engagement, and income generation.

### Public licensing register

- 12.2 Work is continuing to facilitate online applications being submitted through the public register portal. Using single sign-on technology, the current licensing database can connect with any corporate system as part of the digitalisation project without the need to migrate data and system set-up.
- 12.3 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 or in-house electronic application forms, information currently must be copy typed into the licensing database in the same way as applications received in hard copy and enquiries must be made with the payment service to ensure payment has been received.
- 12.4 Once the online application forms are live, the portal can be extended to include service requests too.
- 12.5 If the existing database contract is renewed, a mobile app will be provided by the supplier to assist officers working in the field accessing the database through a mobile phone or tablet. The supplier will also provide an SMS text messaging service whereby licence renewal reminders or important news updates can be sent via SMS rather than email.

### Customer engagement

- 12.6 Work continues to make the Council's 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, and pages are being written (where possible) in plain English.
- 12.7 More online forms are being introduced for service requests and complaints, with mandatory fields, to capture the necessary information rather than the process being delayed as additional information is sought by officers.
- 12.8 Following the success of the taxi and private hire driver self-service booking facility for knowledge tests, DBS appointments and right to work checks, an online booking system has been introduced for vehicle compliance tests too. This has made compliance test bookings more efficient for our customers.

### Women and Girls Safety Charter

- 12.9 Officers are leading on the drafting and implementation of a Women and Girls Safety Charter for licensed premises in North Hertfordshire as part of the Community Safety Partnerships VAWG priority. The intention is to provide suitable advice and training to premises owners/operators to ensure that a consistent cross-district process is in place to ensure that women and girls feel safe in licensed premises and know the processes available if they feel uncomfortable or have concerns. This builds on existing schemes that are already in place in some premises.

- 12.10 Funding has been secured from the Office of the Police and Crime Commissioner to cover the cost of designing and implementing the Charter, including the production of a video that will be used to train licensed premises staff and for promoting the Charter to the public. Funding will also cover the cost of initial training materials and publicity for the Charter including an initial soft launch event next month.
- 12.11 A Women and Girls Safety Charter sub-group of the multi-agency Community Safety Partnership Joint Action Group, chaired by a licensing officer, has been formed to finalise the wording of the Charter and coordinate its implementation.
- 12.12 The Charter will initially be introduced in Hitchin via Pub Watch, and then extended to each town in turn through their respective Pub Watch groups.
- 12.13 It has been suggested that, once the North Herts Charter is in operation, the remaining Hertfordshire counties may seek to replicate it across the county.

#### Income generation

- 12.14 Where permitted by licensing fee legislation and case law, the licensing service will be introducing charging for some discretionary services.
- 12.15 Initially officers considered the possibility of offering training to applicants, predominately taxi and private hire drivers and operators, however this has not proved possible due to pressure on resources although this decision could be revisited in the future.
- 12.16 A mandatory licence condition requires any film exhibited to the public to either be classified by the British Board of Film Classification (BBFC) or the local licensing authority. There is an increasing number of small independent film makers locally where BBFC classification is cost prohibitive, therefore they come to the Council for film rating. This service was previously provided free however a charge has now been introduced based on full cost recovery.
- 12.17 It is still planned to introduce pre-application advice for Licensing Act 2003 applications, like the service provided by planning. Customers currently using solicitors and licensing agents are paying considerable private sector fees to receive this advice.
- 12.18 A pre-application service covering advice on application content, appropriate forms, template newspaper and public notices, and referrals to appropriate responsible authorities will be introduced on a cost recovery basis. This will provide a more cost-effective alternative to customers and would facilitate the development of working relationships at an earlier stage.

#### Taxi and private hire project

- 12.19 In last year's report, members were advised that an officer Task and Finish Group had been created to work with licence holders to review the whole application process to explore any options for improvements in efficiency. The remit was based on the question *'if you had a blank sheet of paper, what is the best licensing service that can be delivered?'*
- 12.20 As a result of the Group's work, the following service improvements were trialled during the reporting year:
- Taxi or private hire licence plates handed to the driver at the completion of their vehicle compliance test, provided all other necessary documentation and payment has been received in advance of the test. Previously the licence plate was posted

later, or collected by the driver, when final paperwork checks had been completed. The initial trial was for temporary replacement vehicles due to accident damage however this was subsequently extended to all renewals and change of vehicles.

- An online form for taxi renewals which had mandatory fields requiring all relevant documentation being uploaded before the application could be submitted. Previously this information was supplied piecemeal which caused confusion for applicants over what documentation was still outstanding and required additional resourcing chasing the outstanding information. This made the process inefficient and led to long processing times.
- A new driver appointment that combined DBS, right to work check, and verbal test in one visit was introduced. Previously, separate appointments were required for each component part of this new combined appointment.
- The policy requires a vehicle to switch to six-monthly licences rather than annual licences once it reaches seven years of age. This led to confusion for vehicle owners as differing licence periods were used to ensure that once a vehicle reached seven years of age, its first renewed licence expired at the point the vehicle was seven years and six-months old. The policy interpretation was simplified to state that the six-monthly licensing took effect at the first renewal after the vehicle reached seven years of age.
- Due to the increasing number of new driver applicants, waiting times for appointments were too long. For months where all appointments were taken, additional appointments were added to reduce waiting times.
- 10 day insurance requirement from the date of grant of a vehicle licence with the subsequent renewed cover note to follow. Currently a 28 day period is required which is causing unnecessary inconvenience for applicants whose insurance runs in line with the vehicle licence who have to obtain cover notes prior to renewing their insurance to meet this requirement.

12.21 All of these trials were successful and received positive feedback from the trade and so have been implemented permanently.

12.22 Further trials are planned as follows:

- Simplifying the fees structure to reduce the number of payments required, for example, a vehicle renewal fee to include the compliance test fee.
- SMS messaging for renewal reminders as opposed to emails.

Other improvements will be considered at further meetings of the Task and Finish Group, and from suggestions made by licence holders.

12.23 During the reporting period, ambiguity in policy wording was identified that needs clarifying and consideration needs to be given to introducing some flexibility for vehicles that undertake specific contract work rather than general taxi and private hire work.

12.24 All of the service improvements detailed in paragraphs 12.20 to 12.23 will require amendments to the existing policy. It is anticipated that the amendments will be minor as they will not change the policy principles, nor have an adverse effect on licence holders. Minor amendments can be made by the licensing and community safety manager in consultation with the relevant Executive Member and the Chair of the Licensing and Regulation Committee.

12.25 It is anticipated that a further policy review may be undertaken in 2024 when the Task and Finish Group's work is complete which may lead to more significant amendments. Anything



other than minor amendments would be subject to public consultation and reported to the Licensing and Regulation Committee to make an informed decision knowing that:

- There will be a report from the Group setting out the proposals and the reasoning for, and practicalities of, implementation
- Existing licence holders have been involved in the process of drafting the proposals ensuring that their views are adequately represented to the Licensing and Regulation Committee

12.26 Quarterly meetings continue between the North Herts Taxi Drivers Association, the relevant Executive Member (and deputy), and the licensing and community safety manager. These meetings are welcomed by the Association as it ensures their opinions, concerns, or suggestions are heard by the Council.

12.27 The Association also has the opportunity to meet periodically with licensing officers to discuss service provision.

### **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. The cost of relevant development can be included in the fee setting calculations.

#### Professional Licensing Practitioner Qualification

13.2 During the reporting year, a fourth officer passed the above qualification offered by the Institute of Licensing. All licensing officers now hold a professional licensing qualification.

#### QNUK Level 3 Award in Fire Risk Assessment

13.3 With the licensing service now having responsibility for HMO and Park Home licensing, it is important that the team upskill accordingly. Fire risk assessments and inspections are a key part of these licensing regimes therefore a senior officer undertook a Level 3 Award in Fire Risk Assessment.

13.4 The officer has successfully obtained the above qualification having completed an examination and submitting a full inspection report and risk assessment to demonstrate appropriate competencies. This has significantly increased the in-house resource for inspecting HMOs and Park Homes.

#### Professional development

13.5 The Council pays for membership of the Institute of Licensing for qualified officers which gives access to a range of professional CPD training. This reporting period, officers have undertaken courses covering:

- Caravan site licensing
- Street trading licensing
- Advanced taxi licensing
- PACE notebooks and evidence gathering

#### Apprentices

- 13.6 The service has shared an apprentice with the community protection service for a number of years which has proved an invaluable resource.
- 13.7 The new licensing and community safety service has secured an apprentice until January 2024 and is hoping to be successful in securing another apprentice in 2024.
- 13.8 The apprentice has been actively involved in the day-to-day administrative tasks of the service including undertaking vehicle compliance tests, driver knowledge tests, processing application, accompanying officers on visits, etc.
- 13.9 It is hoped that the skills learning and development opportunities available during the apprenticeship will enable the apprentice to apply for jobs within the Council towards the end of 2023.

#### **14. FUTURE LEGISLATIVE CHANGES**

- 14.1 The world of licensing has always been ever-changing however the number of planned legislative changes has the potential to significantly impact resources and existing projects. The following list is not exhaustive but contains the main proposals known to officers at the time of writing.

##### Skin piercing licensing scheme

- 14.2 The Health and Care Act 2022 contains a section enabling the Secretary of State to publish Regulations introducing a new licensing scheme for specified cosmetic procedures. This is the same legislative process that was included in the Animal Welfare Act 2006 and allowed the introduction of the new animal licensing regime by virtue of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 14.3 As detailed earlier in this report, skin piercing is currently only a registration scheme with surprisingly sparse entry requirements, for example no formal qualification for practitioners, and enforcement capabilities. The Government has indicated its intention to introduce a new licensing requirement for specified procedures to ensure public safety from these intrusive, and potentially dangerous, procedures.
- 14.4 Responsibility for the introduction, administration, and enforcement of the new licensing scheme will be the responsibility of local authorities. This will result in additional training requirements for licensing officers and an increased workload.
- 14.5 Government has recently launched a consultation to determine how the licensing scheme should work, particularly what treatments should be covered and what level of qualification should be required.

##### Animal Welfare (Kept Animals) Bill

- 14.6 This Bill was concluding its passage through the House of Commons before moving to the House of Lords and contained several new proposals that may have an impact on local authority licensing officers.
- 14.7 Unexpectedly, the Government withdrew the Bill on 8 June 2023
- 14.8 The Bill included the following new provisions:
- Specialist private primate keeper licences for keeping primates as pets

- New standard conditions for zoos
- Animal sanctuaries (currently excluded from boarding licensing) to be included in the boarding regulations (cats, dogs, horses)
- Compulsory microchipping of cats (could impact on pet shop licensing)
- Improvements in animal transportation (could impact on pet shop licensing)
- Increase to the age that dogs can be imported into the country (could impact on pet shop licensing)
- Ban the import of dogs with cropped ears or docked tails (could impact on pet shop licensing)
- Further protection for greyhounds
- Update to dangerous dog legislation
- Further measures to tackle wildlife crime
- Improved animal health and welfare on farms

14.9 The Secretary of State for Environment, Food and Rural Affairs announced that instead of progressing the Bill, the government would be taking forward measures from the Kept Animals Bill individually as single-issue bills during the remainder of the current Parliament. The statement also set out the areas the government would be taking forward:

- A ban on the imports of young, heavily pregnant, or mutilated dogs as a single-issue bill
- Banning the keeping of primates as pets through secondary legislation
- Progressing delivery of a new offence of pet abduction
- New measures to tackle livestock worrying

#### Levelling-up and Regeneration Bill

- 14.10 This Bill includes the legislative measures to formalise the temporary pavement licensing arrangements for district/borough councils.
- 14.11 Whilst licensing officers are already dealing with pavement licensing under the temporary provisions, it is an administrative process only with no enforcement powers. The Bill proposes new enforcement powers for licensing officers which will increase workload.
- 14.12 Currently, county/unitary councils (highways authorities) can undertake a separate street café licensing regime similar to but with a wider remit than the pavement licensing scheme. It is unclear at this stage whether that alternative licensing regime will be retained or whether street café licensing will also transfer to district/borough council.

#### Supported Housing (Regulatory Oversight) Act 2023

- 14.13 The Act plans to introduce new standards for supported exempt accommodation and make changes to how this type of accommodation is regulated. Supported accommodation provides residents with care, supervision, or support. It is usually managed by a local authority, housing association, charity, or voluntary organisation. It also includes refuges and local authority hostels.
- 14.14 The Act allows the government to create new National Supported Housing Standards and introduce licensing regulations. Housing authorities are defined as the regulatory body, so this is likely to fall, at least in part, to the licensing service.
- 14.15 The Act provides a legal framework for introducing regulation, but the impact will depend on the regulations published by the government, and ongoing enforcement. The government

intends to start consultation on how the Act will be implemented later in 2023. A further consultation is expected in 2024 with draft regulations.

### PROTECT Duty

- 14.16 New legislation will require public venues to improve security and have more awareness of potential terrorist attacks. Public venue owners/operators will have a duty in law to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.
- 14.17 The legislation is more widely known as Martyn's Law after Martyn Hett who was one of the twenty-two people to die in the Manchester Arena bombing in 2017; his mother Figen Murray has campaigned for the measures to be introduced.
- 14.18 The majority of licensed venues open to the public (capacities of 100 plus) will be covered by this duty and licensing officers will have a key role in raising awareness. The legislation hasn't yet completed its parliamentary passage so it is unclear where the responsibility for enforcement will lie at this stage.
- 14.19 Premises will fall within the scope of the duty where "qualifying activities" take place. This will include locations for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings (e.g., town halls), visitor attractions, temporary events, places of worship, etc.
- 14.20 Officers will be working with licence holders and trade bodies to ensure that the legislation and statutory guidance is disseminated to premises owners covered by the duty. Amendments to licensing policies will be required to include the duty once the legislation is enacted. A PROTECT Action Plan is being written to ensure that all appropriate actions are taken by officers to raise awareness of the new duty.

## **15. APPENDICES**

- 15.1 Appendix A Applications summary
- 15.2 Appendix B Licences summary