

Annual Licensing Report

1 October 2023 to 30 September 2024

1. EXECUTIVE SUMMARY

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

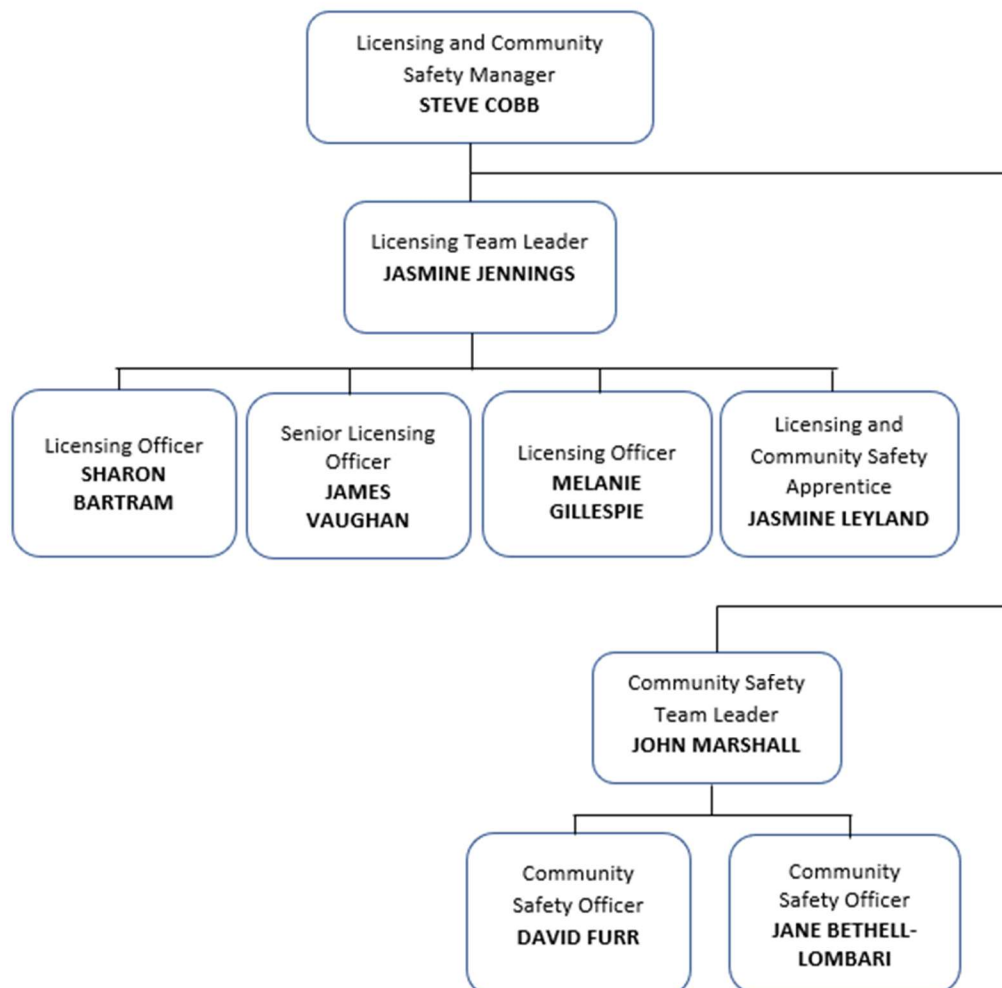
- an overview of the work undertaken by the licensing service over the preceding twelve months
- an update on existing projects and policies
- an overview of future proposals

1.2 The period covered by the report is 1 October 2023 to 30 September 2024.

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 delegated additional responsibilities to the licensing team leader to allow the licensing and community safety manager to oversee both service areas.



- 2.3 The team is helped 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 help is essential 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 help 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 shown 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. Examples of recent events are:
- 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)
 - Hitchin Priory Events (annual event)
 - Shhh Festival in Weston (annual event)

- 2.7.6 Temporary event notices (TENs) also fall within this regime; they are temporary permissions to undertake any combination of the above licensable activities. They are most often used by premises that do not have a permanent premises licence, for example a school fete or PTA fundraiser. Additionally, permanent premises licence holders sometimes 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 entry 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 help 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.
- 2.7.15 This was initially a temporary measure however has now been made permanent.
- 2.7.16 The Levelling-up and Regeneration Act formalised the temporary arrangements into permanent legislation and introduced enforcement powers for district and borough councils, a power previously reserved for highways authorities only.

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 in which they undertake collections.

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 needs 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 must 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 undertaking skin piercing activities must be registered with the local authority. The premises in which the activities are provided 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					
	2019/20	2020/21	2021/22	2022/23	2023/24
Animal Inspection	25	2	10	23	16
Animal courtesy visits					24
Gambling Insp - Betting (other)	1	0	0	7	1
Alcohol/entertainment/LNR risk-rating visit	74	0	1	65	303
Alcohol/entertainment/LNR courtesy visit	0	0	0	45	2
Private Hire Operator Insp	5	1	5	3	5
Taxi/private hire courtesy visits	0	0	0	21	25
HMOs					20
Park Homes					11
Skin Piercing	0	0	14	49	36
Scrap Metal Site	1	0	0	0	0
Sex Establishment	0	0	0	0	0
	106	3	30	213	443

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 based on 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 is a significant increase on previous years. This is because of better recording, the new inspection regime, and having a full team of officers.

4. APPLICATIONS

4.1 The number of applications received during the reporting period is attached as **Appendix A**.

4.2 As the figures show, 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 which has outweighed the number lost during, and because of the economic climate following, the pandemic.

5. CURRENT LICENCES

5.1 As of 30 September 2024, 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 625 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 has now returned to, and exceeded, 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 had

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 continues to be 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 various functions relating 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 previous 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, which has been well received.
- 6.7 The number of recorded service requests and ancillary functions within the reporting period was:

MISCELLANEOUS					
	2019/20	2020/21	2021/22	2022/23	2023/24
Service requests	269	403	423	418	543
Taxi complaints	28	28	26	24	22
Taxi compliance tests	387	371	425	434	449
Taxi Verbal knowledge tests	30	12	50	53	27
Taxi computerised topographical tests	10	7	33	17	58
Taxi DBS/Right to Work appointments	66	15	94	41	0
New driver appointments #	0	0	0	23	92
	790	836	1,051	1,010	1,191

Note:

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

- 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 separately 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 ruled 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 on 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 Fees for 2024/25 have not been increased and work is in progress on a full costing exercise to assist in the setting of 2025/26 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 two licensing sub-committee hearings were held within the reporting period, 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-voting) 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. Recent case law has confirmed that virtual licensing hearings are lawful.
- 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.
- 8.8 The licensing and community safety manager has made two decisions during the reporting period in relation to whether applicants for taxi or private hire driver licences meet the fit and proper person criteria in the council's policy.
- 8.9 To help the committee in understanding the thoroughness of this process, particularly the detail of the decision notice, and as a reassurance that adopted policy is being followed, copies of the decision notices are attached as **Appendix C**.
- 8.10 For transparency, a decision from the end of the previous reporting period has also been included.
- 8.11 Including these decisions is a new addition to this year's report; it would be interesting to know whether the committee find this a useful addition and wish to continue with it in the future.

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 has been one significant enforcement case during the reporting period.

Animal prosecution

The licence holder of a dangerous wild animals licence was successfully prosecuted by the police for causing unnecessary suffering to animals in his care. This was a lengthy investigation that needed a significant involvement by the licensing team leader who was monitoring ongoing care at the premises, ensuring licence conditions were being met (including additional ones added to protect public safety), and liaising with staff at the premises during the licence holder's bail period that prevented his involvement in the running of the premises. This work continues and often involves working outside of normal working hours and at weekends.

The licence holder has been banned from any involvement with animals for a minimum period of five years, but this ban was suspended until November 2024 to allow for attempts to rehome the animals. The licensing team leader has continued to work with the licence holder to encourage him to rehome as many animals as possible prior to the start of the ban.

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. (see paragraph 8.9 and **Appendix C**).

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 has not been asked to consider any new or amended policies during the current reporting period however three policies will be considered at the October 2024 meeting as follows:

(i) 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 has been undertaken in 2024 with a view to presenting the outcome to the Licensing and Regulation Committee at its 2024 Annual Meeting.

(ii) Pavement Licensing Policy

Now this previously temporary provision has been enacted into legislation, a new policy summarising the council's approach to pavement licensing will be presented to the Licensing and Regulation Committee at its 2024 Annual Meeting.

(iii) Street Trading Policy

A few minor changes are needed to this policy which could ordinarily have been approved by the licensing and community safety manager under delegated powers however, as the Licensing and Regulation Committee are holding their 2024 Annual Meeting, it was deemed appropriate to refer these amendments to that meeting.

10.5 For the next reporting period, 1 October 2024 to 30 September 2025, the following policies will be subject to review:

(i) 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.

(ii) 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.

(iii) Taxi and Private Hire Policy

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 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.

Government has recently introduced two new guidance documents relating to taxi and private hire licensing:

- Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England
- Statutory taxi and private hire vehicle standards

Licensing authorities must review these documents against its policy and decide whether to incorporate the guidance. Although it is statutory guidance, licensing authorities do have the opportunity to decide what aspects work best for its locality and, where there is good reason, depart from that guidance. As these policy changes have the potential to impact on new and existing licence holders, this policy will be subject to public consultation and adoption by the Licensing and Regulation Committee. As the committee will be considering these proposals, it is also appropriate that they consider the other proposals mentioned above that would ordinarily have been considered by the licensing and community safety manager.

(iv) Sex Establishments Policy

Although North Herts currently has no sex establishments, the policy is due for review which will be an opportunity to consider adding sections in relation to safeguarding, VAWG, and White Ribbon. As these policy changes have the potential to impact on future applications, this policy will be subject to public consultation and adoption by the Licensing and Regulation Committee.

10.6 A further Licensing and Regulation Committee will be scheduled for February/March 2025 to consider the following policies:

- Caravan and Camping Sites Policy
- Taxi and Private Hire Policy
- Sex Establishments Policy

- 10.7 Additionally, the Licensing Policy in relation to alcohol, regulated entertainment, and late-night refreshment is due for its statutory review in preparation for adoption prior to 7 January 2026. Although the adoption of this policy is reserved in legislation for Full Council, the Licensing and Regulation Committee will undertake the analysis of consultation responses and recommend a policy at its 2025 Annual Meeting.

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 Following successful trials in the previous reporting period, online taxi and private hire applications have now been permanently introduced which has resulted in increased officer efficiency, plus a simplified and quicker process for applicants.
- 11.3 A 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.
- 11.4 Following the success of the Taxi Forum Facebook page, consideration is being given to introducing forums for animal licensing and skin piercing.
- 11.5 Currently, customers contact the council via the customer service centre and MSU staff then have to transfer the request from the CRM into Idox Cloud (the licensing database). Work is commencing to investigate whether the two systems can communicate so that Idox Cloud automatically populates the correct data fields from the CRM to save officer time.
- 11.6 Discussions are taking place with the providers of Idox Cloud to link its online application portal with the council's payment facility to enable online submission and payment of all application types. The Idox Cloud product would work as an integral part of any customer portal facility offered by the council by using single sign-on technology.
- 11.7 Further discussions will be taking place in regard to an app that will allow Idox Cloud to be accessed by officers on any device, allowing online completion of inspection forms directly into the database using technology that will convert officer's handwritten notes into text.

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.

Customer engagement

- 12.5 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.
- 12.6 More online forms are being, will be, 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.

Women and Girls Safety Charter

- 12.7 A Women and Girls Safety Charter for licensed premises in North Hertfordshire has been produced as part of the Community Safety Partnership's VAWG priority. Staff at licensed premises will be provided suitable advice and training 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 safeguards available if they feel uncomfortable or have concerns. This builds on existing schemes that are already in place in some premises.
- 12.8 Using funding secured from the Office of the Police and Crime Commissioner, a video that will be used to train licensed premises staff and for promoting the Charter to the public has been produced. Funding also covers the cost of initial training materials and publicity for the Charter.
- 12.9 Unfortunately the launch of the Charter has been delayed by PERP in relation to local and national elections, plus a current by election, however it is intended to launch the Charter in Hitchin prior to the festive season. Hitchin Pub Watch has viewed the video and was generally supportive. Officers will work with police colleagues to facilitate this initial launch and then expand to other towns in 2025.

Safeguarding

- 12.10 Although safeguarding is not a statutory licensing objective, which limits the council's opportunity to mandate additional safeguarding measures by licence holders, licensing policies can be used to highlight its expectations. This is particularly relevant given the council's commitment to White Ribbon and the Community Safety Partnership's VAWG priority.
- 12.11 As each policy is reviewed, paragraphs outlining expectations of all safeguarding measures are being incorporated. As part of inspection visits, officers will check whether licence holders understand their safeguarding responsibilities and are implementing appropriate measures.

- 12.12 This approach supplements the existing requirement for all taxi and private hire drivers to undertake basic safeguarding training on initial grant and at each licence renewal.

Income generation

- 12.13 Where permitted by licensing fee legislation and case law, the licensing service will be introducing charging for some discretionary services.
- 12.14 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. Consideration will need to be given to the impact of these charges on not-for-profit community organisations.
- 12.15 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.
- 12.16 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.
- 12.17 The introduction of this service has been delayed due to staff turnover and work pressures however it is hoped to implement this in 2025.

Taxi and private hire project

- 12.18 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?'*
- 12.19 As a result of the Group's work, a number of service improvements were trialled and subsequently adopted following positive feedback from licence holders.
- 12.20 Further trials are ongoing with the hope that further improvements to the service will be possible. Throughout this process, the North Herts Taxi Driver Association has been consulted and has been supportive.
- 12.21 Quarterly meetings continue between the North Herts Taxi Drivers Association, the relevant Executive Member, 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.
- 12.22 The final stage of this work is to incorporate the outcomes into the new policy that will subject to public consultation prior to consideration by the Licensing and Regulation Committee at a further meeting in February/March 2025.

HMO internal audit

- 12.23 When the licensing team inherited HMO licensing from environmental health, record keeping was poor, inspections had been missed, and the process was unclear and, in some cases, incomplete. This was due to the additional workload imposed by the pandemic and a shortage of officers.
- 12.24 HMO licensing was audited by the Shared Internal Audit Service (SIAS) in the reporting year with an outcome of a 'limited assurance' report. Eleven recommendations were made consisting of four high priority, four medium priority, and three low priority.
- 12.25 At the time of writing this report, nine of the recommendations have already been implemented and the remaining two are near completion resulting in a more robust and appropriate licensing process.

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 All four licensing officers have passed the above qualification offered by the Institute of Licensing.

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 last year 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
 - Crowd safety management and psychology
 - Scrap metal licensing
 - Fire safety in HMOs
 - Advanced taxi licensing
 - Street trading licensing
 - Licensing enforcement skills
 - Preparing for court

Apprentices

- 13.6 The service has shared an apprentice with the community protection service for several years which has proved an invaluable resource.
- 13.7 The licensing and community safety service has secured an apprentice until October 2025.
- 13.8 The apprentice is actively involved in the day-to-day administrative tasks of the service including undertaking vehicle compliance tests, driver knowledge tests, processing applications, 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.

Team leader role

- 13.10 The introduction of the team leader role has allowed for professional development of the officer, coupled with resilience for the team.
- 13.11 This has allowed the licensing and community safety manager to step away from the day-to-day operational side of the team, which is now the team leader's responsibility, allowing additional focus on strategic planning and further channel shift.

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 non-surgical cosmetic 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 concluded a consultation to determine how the licensing scheme should work, particularly what treatments should be covered and what level of qualification should be required.

The Animal Welfare (Primate Licences) (England) Regulations 2024

- 14.6 The above regulations will take effect from 6 April 2025 introducing the need for any person who keeps a primate in their possession (other than zoos or similar) to hold a licence.
- 14.7 This addresses concerns about the number of individuals that keep primates as pets without appropriate knowledge or understanding of the welfare needs of the kept species.
- 14.8 Responsibility for administering and enforcing this new licensing regime falls to local authorities which will require additional training of officers.

Supported Housing (Regulatory Oversight) Act 2023

- 14.9 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.
- 14.10 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.
- 14.11 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 started consultation on how the Act will be implemented in 2023. A further consultation is expected in 2024 with draft regulations.

PROTECT Duty

- 14.12 The Terrorism (Protection of Premises) Bill 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.
- 14.13 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.
- 14.14 A significant number of licensed venues open to the public (capacities of 200 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 however Government has undertaken wide consultation. The Security Industry Authority has recently been appointed as the national enforcement body.
- 14.15 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.
- 14.16 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 are already in place, or in progress, to include reference to the duty in preparation for the enactment of the legislation. 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
- 15.3 Appendix C Private hire driver decision notices (exempt from publication)