

# Public Document Pack

## Licensing Committee

Tuesday, 23rd January, 2024

6.00 pm

Meeting Room A

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### AGENDA

1. **Welcome & Apologies**
2. **Minutes of the Previous Meeting**
3. **Declaration of Interest**
4. **English Language Assessment Fees**  
**English Language Assessment Fees** 2 - 3
5. **Update on the work of the Public Protection Service**  
**Update on the work of the Public Protection Service** 4 - 7

### **PART II - THE PRESS AND THE PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS**

6. **Minutes of Licensing Committee**  
**Minutes - 10th October 2023 - GLSC** 8 - 12  
**14th November 2023 - GLSC**

Date Published: Monday, 15 January 2024  
Denise Park, Chief Executive

## DEPARTMENT OF ENVIRONMENT AND OPERATIONS

**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE**

**REPORT TO : LICENSING COMMITTEE                      DATE: 23 January 2024**

**TITLE : English language skills assessments**

### **1. PURPOSE**

The purpose of this report is to make a slight amendment to the previously agreed fees and charges.

### **2. RECOMMENDATION**

To require payment of £25 from all candidates taking the driver English skills assessment.

### **3. KEY ISSUES**

- 3.1** On 17 October 2023 Members of this Committee agree a schedule of revised fees and charges in respect of driver, vehicle and operator licensing, following a detailed review by officers of the costs and processes involved in administering the taxi licensing regime.

The proposed Vehicle and Operator fees were published in the local press as required by the legislation and discussed at meetings with representatives of the three local driver Associations. Details were also sent directly to all sixty-nine Licensed Operators.

One Operator who is licensed to operate a single private hire vehicle responded on the day the email was sent as follows: "Thank you for the email, just for the record we object to the rise in fees, given the facts and businesses struggling after covid we would and shortage of drivers, prefer the fees to be lowered as discussed on few meetings in past. However we will respond in due course again. this email is for the record."

No further communication has been received from that Operator or from any other person and so the proposed schedule of fees was implemented on 1 January 2024.

The agreed fees included a charge of £25 for the English Skills assessment payable by applicants who live outside the Borough, to recoup the payments the Licensing service is making to Adult Learning Services. The cost of providing the assessments to Blackburn with Darwen residents was being met by Adult Learning Services.

Unfortunately Adult Learning Services can no longer subsidise the assessments for Blackburn with Darwen residents and so all the costs are now being met in full by the Licensing Authority.

The skills assessment is only requirement for those prospective drivers who are unable to provide evidence of any other qualifications which would satisfy the Authority of their competence in English.

Because it is not a requirement for all applicants, it would not be equitable to include that expenditure in the actual licence fee payable by all applicants, but the proposed fees agreed by this Committee in October 2023 will need to be amended slightly to make the £25 payable by all applicants booking a skills assessment.

#### **4. POLICY IMPLICATIONS**

Para 3.8.4 of the Council's Hackney Carriage and Private Hire Licensing Policy will be amended to read as follows:- Applicants who do not hold any formal qualifications in English, must pass a skills assessment provided by Blackburn Adult Learning service.

#### **5. FINANCIAL IMPLICATIONS**

The additional income will cover the costs incurred by the Licensing service for Adult Learning Services to undertake English skills assessments.

#### **6. LEGAL IMPLICATIONS**

None

#### **7. RESOURCE IMPLICATIONS**

None

#### **8. CONSULTATIONS**

None

#### **9. CONTACT OFFICER**

Niky Barrett – Principal Licensing Officer

## DEPARTMENT OF ENVIRONMENT AND OPERATIONS

**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE**

**REPORT TO: LICENSING COMMITTEE**

**DATE: 23 January 2024**

**TITLE: Update on the work of the Public Protection and Environmental Health Service**

### **1. PURPOSE**

The purpose of this report is to provide an update on the work of the Council's Public Protection and Environmental Health Service (PPS) where there is a connection with businesses and persons who require a licence from the Council. It also provides an update for members on national policy changes and proposals affecting licencing work.

### **2. RECOMMENDATION**

That the report be noted.

### **3. KEY ISSUES**

#### **3.1 Revocations/refusals**

In quarter 3 of 2023/24, officers revoked 4 driver licences, suspended 3 others and refused to grant 2 applications under delegated powers.

The General Licensing Sub-Committees considered 2 applications for new Dual Driver Licences and granted 1, but refused the second.

The Sub-Committees also considered 2 reviews of existing driver licences and suspended 1 driver for 3 months and required the second to undertake additional training.

#### **3.2 Appeal results**

Since the last Licensing Committee 2 appeals against decisions of the General Licensing Sub-Committees to revoke or refuse to grant driver licences have been concluded.

In both cases the Court upheld the Council's decision and dismissed the appeals. The Council was awarded costs of £689.50 against one appellant, but we did not apply for costs for the second case, after the Magistrates agreed to dismiss the appeal when the appellant failed to attend Court.

### **3.3 Complaints to Licensing Team**

In quarter 3 2023/24, 35 complaints had been made to the Licensing Team which related to the conduct of licensed drivers, including poor driving or defective vehicles. There were also complaints about an unauthorised charity collector and reports of premises licence breaches at 2 licensed premises and a concern about a licensed dog breeder.

### **3.4 Compliance and Licensing Meetings**

A joint initiative between Police and the Council's Licensing Officers has seen the successful re-launch of a Pubwatch scheme covering Blackburn. Darwen already has an active Pubwatch which has been running for a number of years.

### **3.5 Vehicle operations**

Public Protection Officers joined forces with Officers from Lancashire Constabulary, the Driver and Vehicle Standards Agency and Hyndburn Council on 6 December 2023, to carry out roadside checks on licensed vehicles in the borough.

Over 40 vehicles were escorted to the check site by Police where they were checked by DVSA inspectors and Licensing Officers. 2 vehicles, one licensed by BwD and one by Chorley were found to have defective tyres and issued with delayed prohibition notices which were lifted during the operation once the drivers returned to the check site with new tyres.

One BwD driver was unable to produce his driver badge and sent to get a replacement badge before being allowed to resume work.

The vehicles were licensed by a number of authorities including BwD, Hyndburn, Pendle, Bolton, Bury, Sefton, Wolverhampton and Slough.

Our officers provided details of each out of town vehicle brought onto site to the relevant licensing authority, along with any concerns for them to follow up.

### **3.6 Fees and Charges review**

The public notice required under section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976 in relation to the proposed changes to the licence fees was published on Monday 13 November 2023. Officers also shared that information directly with Private Hire Operators and the three active trade associations in the Borough. There were no valid objections submitted within the relevant period and so the proposed fee changes were implemented on 1 January 2024.

### **3.7 Hackney Carriage Tariff**

A request from the trade for changes to the Hackney Carriage Tariff was considered by the Council's Executive and the public notice, required under section 65(2) of the Local Government (Miscellaneous Provisions) Act 1976 on 4 December 2023. In the absence of any valid objections the new tariff was implemented on 18 December 2023.

### 3.8 Routine work carried out

The following table provides figures on some of the key application work carried out from 1 Oct 23 to 31 December 2023.

	<b>Q3 23/24</b>
Vehicle licence applications processed – hackney carriage and private hire	<b>407</b>
Driver licence application processed – new and renewal	<b>62</b>
Number of candidates attending driver training	<b>57</b>
Number of re-sits	<b>17</b>
Licensed vehicle accident reports processed	<b>30</b>
Licensing Act applications processed - These include new licences, variations to existing licences and changes to designated premises supervisors	<b>40</b>
Temporary Event Notices processed	<b>43</b>
Animal Welfare Licence applications processed	<b>1</b>
Street Trading consent applications processed	<b>4</b>
House to House and Street Collection consent applications processed	<b>11</b>

### 3.9 National Issues

#### **Levelling-up and Regeneration Act 2023**

Schedule 22 of the Act makes the temp provisions in the Business & Planning Act 2020 permanent with some key changes. The commencement date is subject to new Regulations being issued by Secretary of State.

The fees for pavement licences which will be able to be issued for a maximum of 2 years are prescribed as follows:-

£350 – existing holder of a Business & Planning Act licence for the same premises, who wants an unchanged licence (renewals) and £500 all other cases.

The consultation and determination periods will each be increased from 7 days to 14 days.

## **Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England**

The Government published the long awaited revision to its 2010 Best Practice Guidance on 17 November 2023.

There are a number of areas where the 2023 guidance suggests changes to the way that the council currently licenses vehicles, drivers and operators in the Borough, and further reports will be presented to this Committee in due course for consideration.

The guidance can be found in this link:

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

### **4. POLICY IMPLICATIONS**

None.

### **5. FINANCIAL IMPLICATIONS**

None

### **6. LEGAL IMPLICATIONS**

None

### **7. RESOURCE IMPLICATIONS**

None

### **8. CONSULTATIONS**

None.

### **9. CONTACT OFFICER**

Denise Andrews – Business Compliance and Licensing Manager  
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