

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION UNIT

REPORT TO: LICENSING COMMITTEE – 19 JULY 2022

TITLE: UPDATE ON THE WORK OF 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. RECOMMENDATIONS

2.1 That members note the report

3. KEY ISSUES

3.1 Work of the General Licensing Sub-Committees

GLSC has met 5 times in the last quarter and have considered:-

2 applications for new street trading consents

5 applications for new driver licences

3 driver licence reviews

As a result the Sub-Committees refused to grant 5 applications, revoked 3 existing licences and granted 2 licences.

3.2 Work of the Licensing Act Sub-Committee

LASC has met once in the last quarter to consider a review of the premises licence in respect of a retail store trading as Smak Polski.

After hearing the application from Blackburn with Darwen Trading Standards and the oral representations made by the licence holder, the Committee decided that it was appropriate to revoke the Premises Licence.

The Sub Committee was satisfied that the licence holders conviction in respect of illicit goods being stored and sold on the premises, together with the discovery of a significant amount on non-duty paid alcohol on the premises, seriously undermined the licensing objective 'prevention of crime and disorder'.

3.3 Magistrates Appeals

Since the last Licensing Committee, 2 appeals against the decisions of general licensing sub-committees to revoke private hire vehicle driver licences have been concluded. In both cases the Magistrates Court agreed with the decision made by the Licensing Sub-Committee and dismissed the appeals.

2 further appeals have been lodged with the Courts and are listed for hearings over the summer.

3.4 Routine work

The following table provides some figures on some of the key work carried out from 1 April 2022 to 30 June 2022.

Vehicle licences – hackney carriage and private hire	428
Driver licences – new and renewal applications	194
Licensing Act applications - These include new licences, variations to existing licences, transfers of licences and changes to the nominated DPS	38
Temporary Event Notices	37
Animal Welfare Licences	5
Street Trading Consents	6

3.5 Online application facility

The Licensing service has been working closely with the digital transformation team to develop a seamless online application process for drivers and vehicle proprietors. When finalised, it is anticipated that this could be further rolled out to Private Hire Operator applications.

Once this project is completed, applicants for driver licences will no longer need to attend the Town Hall, they will be able to submit their application using the Council's Digital Customer Portal and upload all of the supporting documentation and proofs for their applications electronically.

3.6 Blackburn with Darwen Taxi Forum meeting

The next meeting of the Taxi Forum has been scheduled for 21 July 2022. The agenda includes updates on the following matters: - Police information; MOT testing review; the revised Convictions policy and the on-line application project.

3.7 New Legislation

Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

From 31 May 2022, Section 5 of this Act creates a legal duty on Licensing Authorities to report relevant concerns about drivers licensed by other authorities to their issuing authority within 10 working days,

The concerns about the driver in question must relate that person's conduct in the first authority's area and be such that if it was a Blackburn with Darwen licensed driver, we would consider suspending or revoking the licence.

The receiving authority then has 20 working days to consider whether or not to revoke or suspend the licence in reliance on this information and any other information they may also hold and inform the first authority in writing, whether or not it has suspended or revoked, or intends to suspend or revoke, the person's driver's licence, and the reasons for that action or intended action.

Section 2 of the Act will make it mandatory for Licensing Authorities to upload details of all refusals, suspensions and revocations of driver licences to a National database within 5 days of informing the driver of the decision and to search the database before granting any new or renewal licence applications.

This requirement is not yet in force. The Secretary of State will issue Regulations to bring forth these new duties and to designate the licensing information database that is to be used.

Licensing Authorities are anticipating this will be the NR3 register. NR3 has been developed by the National Anti-Fraud Network and membership and use of the register is voluntary at the moment. Blackburn with Darwen are members and currently check new applicants against the register and upload details of individuals who have had applications refused or licences revoked.

3.8 Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

This amended the Equality Act 2010 on 28 June 2022, to place duties on taxi drivers and PHV drivers and operators, to give disabled people specific rights and protections to be transported and receive assistance when using a taxi or PHV without being charged extra.

Taxi and PHV drivers could also face fines of up to £1,000 if they fail to provide reasonable mobility assistance to disabled passengers taking a pre-booked vehicle.

It also places a duty for local authorities to publish a list of wheelchair-accessible vehicles in the fleet.

4. POLICY IMPLICATIONS

None

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

None

7. RESOURCE IMPLICATIONS

None

8. CONSULTATIONS

None

9. CONTACT OFFICER

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5 July 2022