

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.

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

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

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