

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION SERVICE

REPORT TO : LICENSING COMMITTEE 30 October 2018

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 licensing work.

This report covers the time period July to October 2018.

2. RECOMMENDATIONS

That members note the report.

3. KEY ISSUES

3.1 Nocturnal Expedited Review

Following a violent incident outside the Nocturnal Nightclub, St Peter Street, Blackburn in August, Lancashire Constabulary applied for a summary review of the club's premises licence. This resulted in an "interim steps hearing" on 24 August where a licensing sub-committee considered if any immediate, interim steps were needed to promote the licensing objectives, in particular to prevent crime and disorder and protect children from harm. The panel decided that the premises licence for the club needed to be suspended.

Following the transfer of the premises licence to another company a further sub-committee meeting was held on 6 September. The result of this was the suspension of the licence was lifted and the premises allowed to re-open. Additional conditions were put in place to improve safety at the club until a final sub-committee meeting on 20 September confirmed the licence could continue.

3.2 Sale of alcohol to children

An under-age sales test purchasing operation took place on 5 October with 10 off-licences being checked following intelligence being received. Of these, 3 sales of alcohol were made to the 14 year old volunteers.

Investigations are ongoing to determine the best course of action to deal with those who have sold alcohol to children.

3.3 Gambling Premises Inspections

Evening visits have been made to a number of Gambling premises in Blackburn and Darwen to check on compliance with licence requirements. All were found to be compliant.

3.4 Joint working

Licensing and Trading Standards staff took part in a multi-agency operation during Rogue Traders Week in early October. This involved vehicles being stopped for checks by Police, VOSA, HMRC and Public Protection. Private hire vehicles and a scrap metal collectors van were amongst the vehicles stopped. No issues were found with these vehicles.

3.5 Routine work carried out

The following table provides some of the key figures on work carried out by members of staff working in the Licensing Team from 1 July – 30 September 2018.

Vehicle licences processed	407
Driver licences processed	58
Licensing Act licences processed	23
Visits to new DPSs	32
Inspections of premises/vehicles carried out	148

3.6 National Issues

Animal welfare

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force on 1 October and are designed to strengthen animal welfare, particularly around puppy sales.

The new regulations will:

- Ensure that breeders show puppies alongside their mother before a sale is made.
- Tighten regulations so that puppy sales are completed in the presence of the new owner – preventing online sales where prospective buyers have not seen the animal first.
- Ban licensed sellers from dealing in puppies and kittens under the age of 8 weeks.
- Regulate adverts, including on the internet, by ensuring licensed sellers of all pets include the seller's licence number, country of origin and country of residence of the pet.
- Introduce a new "star rating" for dog breeders, pet shops, dog and cat boarding providers and others informing potential customers of how well businesses comply with welfare standards. The star rating will dictate how often the businesses are inspected with those with better standards receiving fewer inspections than those with fewer stars.

Taxi law reform

The Task and Finish Group on Taxi and Private Hire Vehicle Licensing, chaired by Professor Mohammed Abdel-Haq has concluded and made 34 recommendations to the Government. The recommendations include calls for:

- An urgent review of taxi and PHV legislation
- National minimum standards for taxi and PHV licensing - for drivers, vehicles and operators
- An urgent update of Government Best Practice Guidance
- The introduction of a statutory definition of both 'plying for hire' and 'pre-booked'

- Companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators
- Local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs
- All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas
- Legislation to be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area
- All taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator are licensed
- Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced
- In the interests of passenger safety all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures
- The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed
- Mandatory training requirements for taxi drivers in safeguarding and equality awareness
- Mandatory language requirements for licence holders
- The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator
- An urgent review of the evidence and case for restricting the number of hours that taxi and PHV drivers work

The Department for Transport have been asked to take the recommendations of the report and amend legislation as required.

4. RATIONALE

To inform members of the Licensing committee about the key work carried out by staff working within the Council's Public Protection and Environmental Health Service where there is a connection with businesses and people needing a licence from the Council. It also provides an update on some national licensing issues.

5. POLICY IMPLICATIONS

None.

6. FINANCIAL IMPLICATIONS

None

7. LEGAL IMPLICATIONS

None.

8. RESOURCE IMPLICATIONS

None

9. CONSULTATIONS

None

10 . CONTACT OFFICER

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