

**REPORT TO:** LICENSING COMMITTEE

**DATE:** 5 JULY 2022

**TITLE:** LICENSING ENFORCEMENT ACTIVITY, SERVICE DELIVERY & POST PANDEMIC PROCEDURES

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**RECOMMENDED that:**

- A** Members note the enforcement activity from 1 April 2021 to 31 March 2022 carried out by the Licensing Team.
- B** Members note the Service Delivery updates for 1 April 2021 to 31 March 2022.
- C** Members note the current development of future application procedures to allow online applications for Taxi & Private Hire Licensing and Alcohol & Entertainment Licensing.
- D** To recommend to Full Council the proposal to allow the minor variation process to add off-sales to a premises licence that currently only has provision for on-sales. This shall be viewed on a case by case basis, particularly for premises that have made use of the easement during the last two years.

**BACKGROUND**

1. It is important that the Licensing Team ensure that licence holders comply with licence conditions and take enforcement action in line with its enforcement policy, when non-compliance is noted. In order to support this, in addition to the routine work of the team, a number of specific compliance and enforcement activities take place throughout the year.
2. This report sets out the activity undertaken for Hackney Carriage and private hire licences, Licensing Act 2003 premises and other activity within the remit of the Licensing Team.

## ENFORCEMENT ACTIVITIES

### Coronavirus (Covid-19) Update

3. On 24 February 2022, the Government ended legal restrictions in England asking the public to practice specific safe and responsible behaviours as the primary means of stopping the spread of the virus.
4. This included the removal of the legal requirement to self-isolate following a positive coronavirus (Covid-19) test, the testing of close contacts to a positive test and the end of routine contact tracing.
5. The government restrictions and minimising social interactions has directly impacted on enforcement by the team for a second year. However, enforcement for 2022-2023 is already underway.
6. The financial impact of the pandemic on the taxi and private hire industry and the hospitality sector has been particularly unforgiving.

### Hackney Carriage and Private Hire Vehicle Compliance

7. This is undertaken by either asking drivers to attend unannounced vehicle inspections at the Council's appointed testing station, or by carrying out roadside vehicle checks.
8. Throughout the pandemic, the Licensing Team have continued to carry out enforcement of matters such as signage requirements that are witnessed by council officers or by reports received, but due to government restrictions throughout most of the year and staffing restraints no sessions were carried out at the testing station.

<b>LGMPA'76</b>	<b>2021-2022</b>
Vehicle compliance sessions at test station	0
Vehicles checked roadside for compliance issues	12*
Vehicles suspended	3

9. \*This is not a true reflection of the real figure for non-compliance issues covered by the Licensing Team, as many interactions with drivers roadside are not recorded formally, the driver is provided with the necessary advice, such as to order a replacement door sticker or to put their roof sign on the roof. To raise awareness of this good work that takes place, the team shall record this data for future reports.
10. In addition, although considered routine work, it is important to highlight the general time spent on complaints and enforcement enquiries relating to Harlow licensed drivers, vehicles and operators. The Licensing Team received 38 complaints about our licensed trade, whether from members of the public, other

licensees or other enforcement bodies which are carefully investigated and considered.

### Service Delivery

- Historically, driver, vehicle and operator licence applicants have attended face to face appointments for the issue of any licence. During the last two years, the Licensing Team have switched to accepting these applications almost entirely electronically by email. Service provision has been maintained, ensuring all in-time applications are processed within renewal time-scales.
- The following table lays out the number of applications granted last year for application types under the Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847.

<b>Application Type</b>	<b>Number of licences</b>
Taxi & Private Hire Driver	211
Taxi & Private Hire Vehicles	244
Private Hire Operators	7

### Future Procedures

- Funding was secured for the development and implementation of online applications for taxi and private hire licences, once in place it is anticipated there shall be a reduction in processing application times that can be experienced using email. The project has required significant work by the Licensing Team supported by ICT colleagues and the system supplier. There remains some outstanding work to complete but it is hoped that the system will be ready for testing before the end of the calendar year, although this may be delayed without online payment capability due to an issue with the payments software provider which is unlikely to be resolved until October 2022 at the earliest.

## Alcohol and Entertainment Licensing

### Enforcement Activity

- Compliance checks take several forms including: programmed compliance inspections based on the risk assessment of a business's previous compliance with licence conditions; proactive town-wide evening patrols; and reactive investigations in response to complaints about premises.

<b>Licensing Act</b>	<b>2021-2022</b>
Pro-active inspection	15
Post inspection letter	9
Revisits	0
Out of Hours Surveillance – number of sessions	1
Out of Hours surveillance – premises observed in total	7

Notice of Suspension of licence for non-payment of fees	0
Licences suspended non-payment	0

15. No formal enforcement action has been taken against any of our licensed premises by way of a licence review.

#### Service Delivery

16. Historically, applications under the Licensing Act 2003 have been received through a mixture of largely postal applications and the rest by email. During the last two years, applications received have almost entirely switched to being received by email.
17. Additionally, the Licensing Team are now using an in-house online system for the receiving of Temporary Event Notices (TENs) and Personal Licence applications. This helps to reduce the volume of emails while providing a quicker and simpler process for the applicant.
18. The following table lays out the number of applications received last year for various application types under the Licensing Act 2003.

<b>Application Type</b>	<b>Number of Applications</b>
Temporary Event Notice (TEN)	88
Personal Licence	63
Transfer of Premises Licence	6
Vary DPS	38
Minor Variation – Premises Licence	4
Notification of Interest	4
New Premises Licence Applications	17
Premises Licence Review Applications	0

#### Future Procedures

19. Funding was also secured for the development and implementation of online applications for several of the Licensing Act processes. As with taxis, the team shall benefit with a reduction in time spent on processing applications. The project has been headed by Chris Bennett in Environmental Health, requiring significant work by the Licensing Team supported by ICT colleagues and the system supplier. The Licensing Team discussed options with several providers before selecting the provider that shall best serve the needs of the team. Work has been progressing on this with the software/web-based provider for setting up 10 application types and their integration with our own internal software. There remains work to do on its set up but it is hoped that the system will be ready for testing before the end of the calendar year, although this may be delayed without online payment capability as stated earlier in this report.

## ANY OTHER LICENSING

### Other Licensing Enforcement Activity

Licensing Regime	2020 – 2021 inspections
Scrap Metal	1
Gambling	10
Street Trading	4
Sex Establishments	0
Pavement / Highways Act	6

### Service Delivery

20. The following table lays out the number of applications received last year for various other application types that the Licensing Team process.

Application Type	Number of Applications
Tables & Chairs – Highways Act	5
Pavement Licence – Business & Planning Act 2020	5
Street Trading	22
Gambling	6
Sex Establishment	1
Scrap Metal	2
Small Society New Registrations	2
Charity Collections/House to House	26 and 7

### Other enforcement matters (Business and Planning Act 2020)

21. The Licensing Team continue to support businesses under the Business and Planning Act 2020, introduced in July 2020. The Government introduced new legislation to support the economic recovery of businesses selling food and drink as lockdown restrictions were lifted while social distancing remained in place.

22. The legislation introduced two main changes relevant to licensed premises:

- a) Pavement Licences a lighter touch regime overlaying the Highways Act powers – a fast track process for the placement of furniture on the highway outside a business, for an application fee of £100.
- b) Deregulation for off-sales of alcohol at premises licensed for on-sales – allows a premises to sell of alcohol for consumption off the premises (off-sales).

23. The draft Levelling Up and Regeneration Bill, although subject to change, commits to making pavement licences permanent with an expected new higher fee cap and extending the duration to two years.

24. A letter from the Home Office to the Chairman of the Institute of Licensing has confirmed that the Regulatory easement in respect of off-sales of alcohol will cease on 30 September 2022. It states “given the absence of Covid restrictions in England and Wales, there is no legal basis for a further extension and, accordingly, the measure will lapse on 30 September 2022. Any premises licence holder who wishes to continue to benefit from the changes that the easements allowed will need to apply for an off-sales licence. Whilst they are not obliged, licensing committees might decide to consider whether any such applications could be decided via the minor variations process, in particular for premises licence holders who are currently taking advantage of the easements. A copy of the letter is set out in Appendix A to the report.
25. The application procedure to vary a premises licence that only has on-sales of alcohol to include off-sales is done using the full variation process. It is recommended that members consider a flexible approach to be adopted by the licensing team where a Premises Licence holder wishes to amend their premises licence on a permanent basis, who has made use of the off-sales easements for a period of time over the last two years, without any detriment to the local community against the promotion of the Licensing Objectives. In such circumstances described or similar where appropriate, it is recommended that, on a case by case basis, an application to add off-sales to a premises licence may be processed using the minor variation process.

## **IMPLICATIONS**

### **Strategic Growth and Regeneration**

None specific.

**Author: Andrew Bramidge, Director of Strategic Growth and Regeneration**

### **Finance**

Enforcement activity is carried out within approved service budgets.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

### **Housing**

As outlined in the report.

**Author: Andrew Murray, Director of Housing**

### **Communities and Environment**

Proactive enforcement and investigation of complaints ensures better compliance with licensing requirements and so helps to protect vulnerable residents from exploitation.

**Author: Jane Greer, Director of Communities and Environment**

### **Governance and Corporate Services**

None specific.

**Author: Simon Hill, Director of Governance and Corporate Services**

## **Appendices**

Appendix A – Letter to Daniel Davies, Chairman of Institute of Licensing from the Home Office.

## **Background Papers**

[www.gov.uk/government/news/public-reminded-to-stay-safe-as-covid-19-england-restrictions-lift](https://www.gov.uk/government/news/public-reminded-to-stay-safe-as-covid-19-england-restrictions-lift)

## **Glossary of terms/abbreviations used**

DPS - Designated Premises Supervisor  
TEN - Temporary Event Notice