

**REPORT TO:** LICENSING COMMITTEE

**DATE:** 4 JULY 2023

**TITLE:** LICENSING ENFORCEMENT AND SERVICE DELIVERY

**LEAD OFFICER:** NORAH NOLAN, INTERIM ASSISTANT DIRECTOR ENVIRONMENT (01279) 446132

**CONTRIBUTING OFFICER:** ADAM SHERWOOD, PRINCIPAL LICENSING OFFICER (01279) 446010

**RECOMMENDED that:**

- A** Members note the enforcement activity from 1 April 2022 to 31 March 2023 carried out by the Licensing Team.
- B** Members note the Service Delivery updates for 1 April 2022 to 31 March 2023.
- C** Members note the current progress and development to bring online applications to Taxi & Private Hire Licensing and Alcohol & Entertainment Licensing.

**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, premises licensed for alcohol and entertainment and other activity within the remit of the Licensing Team.

**ISSUES/PROPOSALS**

**Hackney Carriage and Private Hire Vehicle Compliance**

**Enforcement**

3. 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 inspections.
4. Vehicle enforcement in an ongoing matter and includes matters such as correct vehicle signage, vehicle cleanliness and vehicle condition. No testing station sessions were carried out this year.

<b>LGMPA'76</b>	<b>2022-2023</b>
Vehicle compliance sessions at test station	0
Vehicles checked roadside for compliance issues	46*
Vehicles suspended	0

5. \*New recording method by staff for 2023/24 to include all vehicle compliance interactions. To include number of vehicles that meet the compliance standard as well those that do not.
6. The following table shows other actions taken against drivers and operators (not including regulatory subcommittee decisions).

<b>Action taken</b>	<b>2022-2023</b>
Complaints investigated	66
Advisory information issued verbal / written	66
Warnings issued verbal / written	1
Suspension	3
Revocation	1

7. Taxi and private hire licensing has seen an increase in the number of complaints this year, whether these be complaints or specific enforcement enquiries relating to Harlow licensed drivers, vehicles or operators. The Licensing Team received 66 complaints about our licensed trade, whether from members of the public, other licensees or other enforcement bodies, all of which are carefully investigated, and enforcement action taken where necessary.

### **Service Delivery**

8. Modern working methods has seen applications almost entirely switch to being received electronically by email. Throughout the last year, service provision has been maintained, ensuring all in-time applications are processed within their renewal timescales.
9. The following table lays out the number of applications granted as prescribed under the Local Government Miscellaneous Provision Act 1976 and Town Police Clauses Act 1847.

<b>Application Type</b>	<b>Number of licences issued 22/23</b>
Taxi & Private Hire Driver	157
Taxi & Private Hire Vehicles	182
Taxi & Private Hire - Change of Vehicle, Accident Replacements or Transfers	98
Private Hire Operators	7

## Online applications

10. Following the funding secured for development and implementation of online applications for taxi and private hire licences, a payment connector has been installed for receiving payments online, this is now at the testing stage. No taxi licence applications are online but is something the Licensing Team and applicants would both benefit from.

## Alcohol and Entertainment Licensing

### Enforcement

11. Compliance with the Licensing Act 2003 takes several forms including pro-active compliance inspections, and investigations in response to complaints about licensed premises.
12. The following table indicates enforcement taken by the team.

<b>Licensing Act</b>	<b>2022-2023</b>
Complaints	20
Out of Hours Surveillance – number of sessions	55
Out of Hours surveillance – total premises observed each session	255
Inspections	23
Revisits	1
Notice of Suspension of licence for non-payment of fees	4
Licences suspended non-payment	2

13. This year saw the Licensing and Environmental Health Teams jointly finance an extensive out of hours service that was used to monitor licensed premises in Harlow every Friday and Saturday night from 2 September 2022 – 31 March 2023. The premises were selected based mainly on complaints about noise and anti-social behaviour and in particular, their impact on the public nuisance objective under the 2003 Act. The external company used to provide this enforcement comprised of ex-police or ex-local authority enforcement officers. All officers had previous experience in this field which assisted the Council teams with expert observation and opinion on the often-subjective element of public nuisance in the community.

### Service Delivery

14. Licensing Act applications have also seen an upward trend in electronic submission and would appear to be the preferred choice of applicants, with the majority of applications being received electronically by email.
15. 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 22/23</b>
Temporary Event Notice (TEN)	102
Personal Licence	83
Transfer of Premises Licence	14
Vary DPS	43
Minor Variation – Premises Licence	3
Full variation – Premises Licence	3
Notification of Interest	4
New Premises Licence Applications	12
Premises Licence Review Applications	1
Premises Licence Summary Review Applications	1

### **Online applications**

16. Funding was also secured for the development and implementation of online applications for Licensing Act 2003 processes.
17. The Licensing Team are now able to accept integrated online applications for a Temporary Event Notice (TEN). An integrated online application for a Personal Licence is also to launch imminently. Both of these applications are integrated with the licensing software and applicants are able to make payment online at the time of submitting their application.
18. The Licensing Team have invested in offering an excellent online application service, the next step is to build on findings from the first two online applications to provide online facility for several other core applications, this will include – new premises licence applications, full and minor variation applications and transfer/variation of the DPS applications.

### **All Other Licensing**

#### **Other Licensing Enforcement**

19. The following table shows the number of visits carried out by the Licensing Team.

<b>Licensing Regime</b>	<b>2022 – 2023 inspections</b>
Complaints - Other	3
Scrap Metal	0
Gambling	2
Street Trading	7
Sex Establishments	0
Pavement / Highways Act	1

## Service Delivery

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

<b>Application Type</b>	<b>Number of Applications 22/23</b>
Tables & Chairs – Highways Act	3
Tables & Chairs – (Pavement Licence) B&PA 2020	2
Street Trading	25
Gambling	2
Sex Establishment	1
Scrap Metal	3
Small Society New Registrations	2
Charity Collections/House to House	7 and 14

## IMPLICATIONS

### Strategic Growth and Regeneration

As set out in the report.

**Author: James Gardner, Assistant Director Regeneration and Commercial Development**

### Finance

Enforcement activity is carried out within approved service.

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

### Housing

As contained within the report.

**Author: Neil Euesden, Interim 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: Simon Freeman, Deputy Chief Executive and Director of Finance**

### Governance and Corporate Services

None specific.

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

### Glossary of terms/abbreviations used

B&PA 2020 - Business and Planning Act 2020

TEN – Temporary Event Notice