

GENERAL PURPOSES AND LICENSING COMMITTEE – 10 FEBRUARY 2023

UPDATE ON THE LICENSING SERVICE FOR 2022

1. RECOMMENDATIONS

- 1.1 That Members of the General Purposes and Licensing Committee note the contents of the report.

2. INTRODUCTION

- 2.1 The purpose of this report is to inform Members of the General Purposes and Licensing Committee of the activities undertaken by the Council's Licensing Service to discharge their function during the period from 1 January 2022 to 31 December 2022.

3. LICENSING ACT 2003

3.1 APPLICATIONS UNDER THE LICENSING ACT

- 3.1.1 The past 12 months has seen some continued recovery in the hospitality sector. The team has processed a total of 1115 applications during 2022 compared to 816 in 2021.

Licences	2021	2022
Temporary Events Notices (TENs) issued	426	687
New Premises Licences/Clubs applications	36	31
Transfer of premises licence	22	40
Variation of Designated Premises Supervisor (DPS)	131	174
Variation to Premises Licences/Clubs	13	8
Minor Variation Premises Licence /Clubs	15	11
New Personal Licences	94	92
Change of personal licence details (name, address)	79	72
Total	816	1115

- 3.1.2 There has been a significant increase in TENs applications in 2022 with an additional 261 received, which is a 61% increase on 2021 applications. This can be attributed to the late Queen's Platinum Jubilee celebrations and also additional events in the summer, some of which may have been postponed from previous years due to the pandemic.
- 3.1.3 Whilst the number of new premises applying for licences and new personal licences has remained fairly constant, there has been an increase in transfers of ownership of businesses and changes in management (variation of DPS in the table).

3.2 REVISIONS TO STATUTORY GUIDANCE

3.2.1 In December 2022, the Home Office issued a revision of the Licensing Act 2003 Statutory Guidance. The team are currently reviewing the amendments which include:

- Revisions to the right to work entitlement.
- Lessening the burden on persons operating an alcohol delivery service.
- A new section on Closure Notices where premises are being used for the sale of alcohol and the activity is not authorised or in accordance with conditions.
- Updates to TEN statutory limits.
- Clarification there is no right of appeal in respect late TENS following objections from the Police or Environmental Health Officers.
- Clarifying that full variations should be used to vary substantially the premises to which the licence relates.
- Clarification that operating schedules submitted by the applicant should be converted to conditions which are appropriate and proportionate for the promotion of the licensing objectives.

4. TAXI LICENSING

4.1 LICENCES FOR DRIVERS, OPERATORS AND VEHICLES

4.1.1 The taxi trade was hit hard by the pandemic and has more recently been affected by fuel price increases and the recent cost of living crisis. However, as the table below shows, there has been an increase in applications in the past 12 months.

Licence type	Numbers as of 31.12.21	Numbers as of 31.12.22
Dual drivers	576	598
Private hire operators	79	76
Hackney carriage vehicles	110	112
Private hire vehicles	228	348
Total NFDC vehicles	338	460

4.1.2 The number of licensed private hire vehicles has significantly increased by 52% on 2021 applications. The team has seen an increase in vehicle licence applications from drivers outside of New Forest district, which could be based on Southampton City Council placing restrictions on the diesel vehicles they will licence and other areas not licensing Uber. Legally, the Council is required to licence all drivers and vehicles which meet the required standard.

4.2 TAXI TARIFF REVIEW IN MAY 2022.

4.2.1 Following an earlier request from the trade to increase hackney carriage meter fares, consultation took place and Members of the General Purposes and Licensing Committee approved an increase in the fares in May 2022. This was

the first increase since 2012 and changes were made to the overall tariff, waiting times and fares for carrying luggage and animals.

4.3 NATIONAL ANTI-FRAUD NETWORK (NAFN) NR3 DATABASE

- 4.3.1 In June 2022, the Council signed up to the use of the NR3 database which holds a list of all taxi drivers and applicants who have either been refused a licence or had a current licence revoked. Adoption of this national register provides officers with additional information on the suitability of applicants and gives reassurance to the public that robust assessments are in place to safeguard passengers.

4.4 LEGISLATION

- 4.4.1 The existing licensing system for taxis is outdated and in need of reform, with one of the main pieces of legislation dating back to 1847. However, we are starting to see some legislative amendments and recently The Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 amended the Equality Act 2010 and came into force in June 2022. This places duties on drivers, operators, and local licensing authorities so that any disabled person has specific rights and protections to be transported and receive assistance without additional charge.

4.5 TAXI LICENSING POLICY

- 4.5.1 The Taxi Licensing Policy is currently under review to ensure that it reflects statutory standards and best practice guidance to enable the trade to continue to operate a safe, inclusive, accessible and attractive service across the New Forest.
- 4.5.2 Officers are currently liaising with internal stakeholders to produce a draft policy for review by Members of the General Purposes and Licensing Committee. An extensive consultation process with members of the public, the business community and the trade will then take place. The amendments will include updates to guidance, legislation and vehicle specifications, together with additional checks of applicants and consideration of green policies.

4.6 TESTING AND CHECKS PRIOR TO ISSUING LICENCES

- 4.6.1 The team has recently introduced preliminary interviews for all new private hire operator applicants, carried out by the Licensing Compliance Officer. This provides the opportunity to explain the standards expected by the Licensing Authority, which must be met and maintained to operate a compliant and safe business.
- 4.6.2 All new applicants must pass a driver knowledge test and new and renewal drivers must complete safeguarding training. Officers regularly review the tests to ensure questions remain current and reflect areas where complaints about driving standards have been received.

5. LICENSING SUB COMMITTEE HEARINGS

5.1 The following applications were considered by the Licensing Sub Committee in 2022.

Date	Nature of Application	Outcome
March	A personal licence issued under Licensing Act 2003. Applicant had a number of undisclosed relevant offences	Revoked
August	A new premises application from a charitable trust to provide events at the premises. Objections received from local residents.	Granted
September	A new premises licence application for a campsite. Objections received from local residents.	Granted

6. REFUSAL AND REVOCATION OF LICENCES

6.1 During 2022, the following action was taken for new applications, existing drivers and renewal applications, where there were offences or conduct issues and it was considered that the drivers failed to meet the “fit and proper test”.

New/or renewal of licence	Delegated Powers or Committee	Granted	Refused
3	Delegated powers	0	3
1	Committee	0	1

Review of existing licence	Delegated Powers or Committee	Revoked	No action taken
2	Delegated powers	2	0
1	Committee	1	0

NB. Action is taken under delegated powers in consultation with the Chair or Vice Chair of General Purposes and Licensing Committee when it is considered that immediate action is required due to a risk to public safety.

7. EVENT GUIDANCE

7.1 A number of licensed premises in the district diversified their operation during the summer months, holding music events to help increase their trade. Many of these events were held outside in beer gardens and resulted in complaints from local residents of noise nuisance. To help address this, the team have drafted a guidance document for licensed premises. This document includes advice on the control of noise from licensed premises, together with health and safety mitigations, to assist and support businesses to run these events safely and successfully, whilst reducing the likelihood of noise complaints.

8. FINANCIAL IMPLICATIONS

8.1 Delivery of the work programme for 2022 has been met within the licensing budget.

9. CRIME & DISORDER IMPLICATIONS

9.1 The Council as a Licensing Authority has a duty to uphold the licensing objectives when carrying out its functions, including the prevention of crime and disorder. The team work closely with internal council services and external partners to ensure the safety of our communities and to engage with businesses to ensure they operate in a compliant and safe way.

10. ENVIRONMENTAL IMPLICATIONS

10.1 The review of the Taxi Licensing Policy will consider the impact of licensed vehicles on air quality.

11. EQUALITY AND DIVERSITY IMPLICATIONS

11.1 The licensing policies and processes in place (relating to alcohol licensing, gambling and taxi licensing) set standards to ensure that services are delivered which are responsive and protect the needs of our communities. The Licensing Service works to protect the public, safeguarding children and the vulnerable. Policies provide a framework to support and regulate businesses consistently.

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Background Papers:

None

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