

SERVICE UPDATE: LICENSING

Cleaner & Greener Advisory Committee - 9 December 2020

Report of: Deputy Chief Executive and Chief Officer, Planning & Regulatory Services

Status: For information and discussion

Key Decision: No

Executive Summary: This report updates the Cleaner & Greener Advisory Committee about service delivery updates from March to October 2020.

This reports support the Key Aim of: a green and healthy environment

Portfolio Holder: Cllr. Margot McArthur

Contact Officers: Sharon Bamborough, Ext 7325

Richard Morris, Ext. 7139

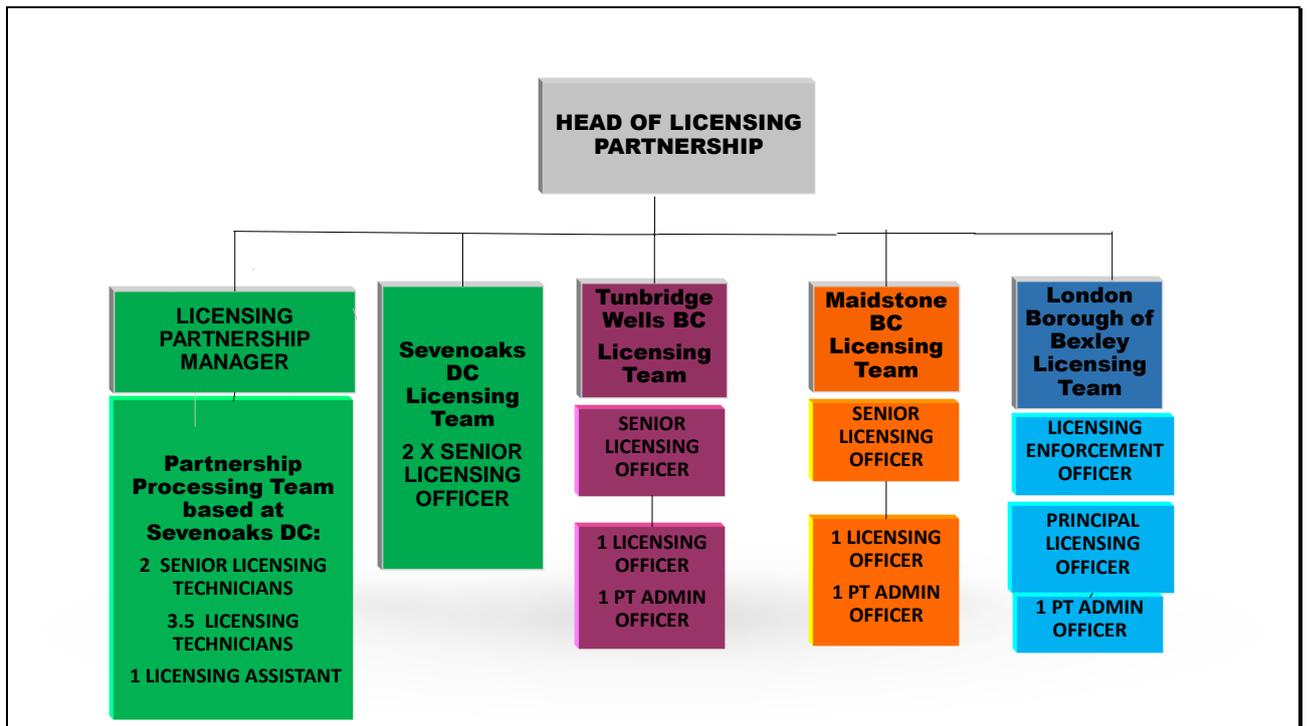
Recommendation to Cleaner and Greener Advisory Committee: To note the update.

Reason for recommendation: This is an information and update report and requires no further actions.

Introduction

- 1 The Council is a member of the Licensing Partnership with Maidstone Borough Council, Tunbridge Wells Borough Council and the London Borough of Bexley which provides line management responsibilities to their respective licensing enforcement teams and an administration team at Sevenoaks to carry out the processing of licence applications, notices, permits and representations.
- 2 The Licensing Partnership has completed 10 years of working together, with London Borough of Bexley becoming a partner as of 31st October 2016.
- 3 This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that gives resilience and capacity to deal with the fluctuating demands on the service through the year.
- 4 This report is a service update on the performance and activity of the Sevenoaks Licensing team and processing team for the Partnership.

Figure 1 below shows the partnership structure.



<p>Key Tasks</p>	<ul style="list-style-type: none"> ❖ Manage and oversee the Licensing Partnership. ❖ Seek to promote the licensing objectives of the relevant legislation. ❖ Our aim is to protect the public but also allow legitimate businesses within the area to prosper. ❖ To ensure that the legitimate taxis and private hire trade are able to provide a safe mode of transport to the residents and users within the Partnership's area. ❖ Compliance - ensure compliance of licensed premises, activities and events following grant of respective licences, permits and / or notices. ❖ To ensure that unlicensed premises, taxis/private hire and activities are investigated and appropriate action is taken. ❖ To enhance customer service while ensuring compliance with legislation. ❖ Fulfilling statutory duty whilst optimising cost savings and maintaining individual client's Council sovereignty. ❖ Take advantage of economies of scale to buy services and optimise the collaborative working between partners
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Challenges for Licensing Service in 2020

- 5 In the current financial year to date, we have experienced unprecedented challenges to the industries we regulate and the way we have needed to work
- 6 Covid-19 resulted in a nationwide lockdown in March 2020.
- 7 Overnight the majority of SDC staff had to work from home. Licensing were in a good position for this transition as the majority of our work comes through electronic means (online applications and correspondence via email) and service delivery was barely affected. The only service we could not provide during full lockdown was the knowledge test for new taxi driver applicants.
- 8 For three months, all hospitality premises and entertainment venues had to shut. In June some were allowed to re-open (pubs, bars & restaurants etc.) but some, even now, remain closed (theatres, nightclubs etc.).
- 9 The national ‘work from home’ guidance, the closing of schools, the lockdown of hospitality and lack of people travelling abroad has had an equally devastating impact on the taxi industry.
- 10 At the time of preparing this report we are in the midst of a second national lockdown.
- 11 Although applications have reduced during this year the **officer teams** have been kept busy with covid-19 related work (enquiries and referrals from Environmental Health) as well as using the time wisely to do other project work such as the new National Standards for Taxis (which required amending the taxi policy) and the legal requirement for our forms to conform with Accessibility requirements, which will benefit the partnership, and the **processing team** have the additional work created by the fee deferral scheme and have used the time review procedures and complete other projects. More information on those areas of work is outlined in the following sections.

Fees and Charges - Assistance to licensees

- 12 At the outset of the first lockdown, the Partnership board discussed and agreed (three of the four partners) to introduce an assistance scheme to help our trade.
- 13 For renewals required during this period, we allowed for a deferred payment scheme whereby renewal applications could be submitted on

time without the required fee (the applicant was required to sign a declaration agreeing to pay the deferred fee within the required timescale once requested). This assisted the following areas:

- Taxi renewals (drivers, operators and vehicles)
- Special Treatments renewals (London Borough of Bexley)
- Animal establishments renewals (London Borough of Bexley)

- 14 For the hospitality industry, they are not required to renew their licences, but instead must pay an annual fee. We continued to invoice to keep on top of the administration but advised (on the invoices) that payment would not be chased nor suspensions done during this period in order to assist them as best we could.
- 15 Before the November Lockdown, we had just started to chase up on the deferred fees and outstanding annual fees. We are mindful of the need to achieve our income as Licensing should be self-financing, but we are unsure what further lockdowns or industry restrictions may continue for the rest of this financial year, and the reality may be that we will not achieve our usual income.

STATUTORY GUIDANCE ISSUED BY THE SECRETARY OF STATE FOR TRANSPORT TO PROTECT CHILDREN AND VULNERABLE INDIVIDUALS

National Standards for taxis

- 16 The Secretary of State for Transport issued new Statutory Guidance to Local Authorities on the exercising of taxi and private hire licensing functions in July 2020.
- 17 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.
- 18 It is expected the recommendations contained within this Guidance be implemented unless there is a compelling local reason not to.
- 19 The Guidance sets out a framework of policies that, under section 177(4), of the Policing and Crime Act 2017, licensing authorities **must have regard** to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire licensing regimes. ‘Having regard’ is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 20 ‘Having regard’ to these standards requires public authorities, in formulating a policy, to give considerations and weight which is

proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.

- 21 The three partners who have taxi licensing are all at a similar stage of amending their taxi policies to incorporate the new standards, on track for early 2021 in line with the SoS's suggested timeframe for implementation. We are well ahead of many authorities throughout the country on this.
- 22 Part of the new standards will be an enhanced element of safeguarding training for and new and existing drivers. Currently there is a video which (only) new applicants must watch as part of the knowledge test but we have sourced a software package which delivers the higher standard required). This will be introduced from April 2021.

Pavement Licensing

- 23 In July 2020 it was announced that a temporary piece of legislation (The Business and Planning Act 2020) would be brought in to help the hospitality industry use their outside space through a fast track scheme to be administered at local authority level (the existing system for licensing of street furniture on the highway was done by Kent County Council, but this moved the responsibility, on a temporary basis, over to district and borough Councils where a two tier local government system existed). It also required that applications must be submitted online.
- 24 The new legislation came into effect on 18th July having only been agreed the day before by Government, and this presented a challenge to quickly be able to accept online applications. Having watched the progress of this proposed legislation closely and prepared as much as possible in advance of the go live date, which included drafting a policy, application forms and establishing a processing procedure across three of the four partners (our London partner is a unitary authority and their street licensing sits within another service area and remained with them to implement), Licensing was able to accept applications from 18th July.
- 25 Despite the hope of Government that this would be a great thing for the hospitality industry to mitigate the effects of not being able to accommodate the usual volumes of customers inside a premises due to social distancing requirements, the scheme has not been particularly popular and take up has been small. This is mostly due to there simply not being enough space on pavements to accommodate tables and chairs and leave enough space pedestrians.

Companies House Project

- 26 In the summer of 2020 we used our resources to carry out a long-desired plan of the Head of Licensing to register our interests against every premises licence holder which is a company so that we can receive alerts about any major changes to the company status, such as change of head office address, and more importantly, if the company goes into administration / is struck off. This has been done for all four partners covering approx. 1500 licences.
- 27 The reason this was a useful piece of work to do is that the licence holders often don't tell the licensing authority if they are in administration etc. We have set up to receive alerts on any company who is licensee of any type of licence we cover under the Partnership.
- 28 For the vast majority, this will most impact our work on premises licences under the Licensing Act 2003 (pubs, restaurants etc.). They don't need to apply to renew their licences, they must simply pay an annual fee which we ask for by invoice. If a company goes into liquidation/administration etc., under the Licensing Act 2003, it automatically lapses the licence. Because we are often not told about companies going into liquidation we continue to invoice, only to find out much later down the line after lots of chasing and a site visit, to find the company no longer trading.
- 29 On finding out so much later after the event, we often then need to cancel the invoice and write off the debt, all of which creates a lot of work over the partnership. By being told at an early stage about a change in company status, this will allow us to save time on not raising invoices on lapsed licences or chasing money, and will hopefully give us an opportunity to collect any outstanding fees at a time when the company may still be trading.
- 30 In anticipation of what might happen to the hospitality industry as a result of the pandemic, we are in an excellent position to be much more on top of changing circumstances with our licensees which will lead to efficiency savings in the future for the processing team and officers throughout the partnership.

Emergency Food Distribution

- 31 From May through to the end of July 2020 the Head of Licensing (in addition to the day to day role) oversaw the emergency food box distribution for SDC in helping to support vulnerable residents during lockdown, distributing food and prescriptions 7 days a week, 7 am to 7pm.

Re-Opening the High Street

- 32 Since July 2020 Licensing have contributed ideas and information to meetings organised to discuss safe re-opening of the high street to offer what support we could. We particularly enjoy opportunities to work across the organisation like this for a common goal.

Communication with our licence holders

- 33 Since the first national lockdown in March 2020 and the varying rapid changes in regulations and guidance introduced since, we have tried to keep our licence holders informed about those changes and have carried our several mailshots to our trade (both premises and taxi) advising them on latest changes in legislation or guidance and pointed them towards the government websites where they could find out more.

Special Enforcement Arrangements in Lockdown

- 34 Lockdown saw challenges for our licensing teams in their usual enforcement activities. They moved over to a predominant 'work from home' approach but they have resumed their site visits and taxi checks. They especially visit any premises referrals from Environmental Health following Covid-19 issues/warnings.
- 35 They ensure any relevant information on licensed premises is supplied to Environmental Health upon request in relation to any Covid-19 enforcement investigations

Key Implications

Financial

There are no financial implications identified within this update report.

Legal Implications and Risk Assessment Statement.

No legal implications.

Equality Assessment

No decisions are being made within this report, so there is low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

The Licensing team & Processing Team have:

- shown flexibility and an ability to respond quickly to the changing circumstances through what has been a challenging 7 months,
- Responded to changing demands for licensing in the district, and changes in applications resulting from the Covid-19 lockdown.

- Provided assistance to the emergency response service helping vulnerable residents and
- adapted quickly to new legislation, Government guidance, and frequently changing Covid regs

Appendices

None

Background Papers

None

Richard Morris

Deputy Chief Executive and Chief Officer - Planning & Regulatory Services