

# North Somerset Council

## Report to the Licensing Committee

**Date of meeting: 1<sup>st</sup> November 2022**

**Subject of report: mid-year report for the administration and enforcement of all licensing regimes**

**Town or parish: all areas**

**Officer/member presenting: Director of Public Health**

**Key decision: no**

## Recommendations

Members of the Committee are invited to note some of the outcomes and challenges to the administration of Licensing regimes undertaken by the North Somerset Council Licensing Team in this financial year.

### 1. Summary of report

This report provides a summary of some of the main activities carried out by the Licensing Team so far within the financial year 2022/2023 and also highlights the continued pressures and difficulties experienced through the recovery phase since the Coronavirus pandemic.

### 2. Policy

2.1 Statutory and Local policies have been agreed by the Council as follows:

- Licensing Act 2003 –statement of Licensing Policy (2021-2025)
- Sex Establishment Policy
- Taxi & Private Hire Licensing Policy (2021-2023)
- Gambling Act 2005 – statement of principles (2022-2024)
- Street Café Policy (2020-2024)
- Street Trading Policy (2020-2024)
- Film Classification Policy (2020)

These policies direct the Licensing Authority in the discharge of its responsibilities under the legislation it administers and enforces.

A full review of the Taxi & Private hire policy will commence in early 2023 with the outcomes of a public consultation and draft revisions being presented to this Committee in November 2023.

### 3. Licensing Act 2003

3.1 The hospitality trade has continued to struggle since the easing of pandemic restrictions with many unable to find sufficient and suitable staff.

The impact of energy price rises, together with fewer customers feeling able to afford meals and nights out is also having a significant effect on businesses.

- 3.2 On average there are around 10 licences surrendered or suspended annually where a business has closed or been unable to pay the licence fee.

There have been five already in the last month and a noticeable increase in late payments which may result in further closures.

- 3.3 The concern for the Licensing Authority; and likewise other regulatory authorities, is that hospitality businesses will start to take short-cuts leaving them at risk of non-compliance. Incidents of fridge's being switched off periodically; reduction in trade waste collections; reduction in employment of glass collectors, door staff and cleaners, have all been noted nationally and raise concerns for public safety.
- 3.4 The Licensing team hold monthly meetings with other responsible authorities and, through use of the "Traffic Light" system, continue to identify and engage with businesses of concern, and to support them back to compliance through joint visits, action plans and enforcement actions where necessary.
- 3.5 Immediately prior to the pandemic, on average the group were dealing with around 3 or 4 "Amber/Red" premises at a time. At the most recent meeting this was noted as having increased to 17 across the district with a steady increase month-on month.
- 3.6 Licensing officers have embarked on a revised compliance visit schedule and aim to audit as many premises as possible in the coming months to offer support where they can, and to better understand the picture across the area. This will inform future risk-rating of premises and allow limited resource to be directed in the most appropriate way.
- 3.7 At a time of continued pressure on limited resources, the continued collaboration with internal regulatory teams and strong partnership working with external agencies such as the Police & Fire Service is invaluable and enables a targeted and impactful multi-agency approach.

#### **4. Taxi & Private Hire**

Since the pandemic there has been a significant drop in the number of licensed taxi drivers nationally with the Department for Transport noting in their [Taxi and private hire vehicle statistics](#) a reduction of some 9.5%. North Somerset has a residual drop of 10.5% which equates to around 64 drivers.

- 4.2 Their report gives a useful breakdown of the national picture and allows a comparison for the North Somerset area. The table below highlights some of the areas worthy of comparison:

	National	NSC
National decrease in drivers	9.5%	10.5%
Number of vehicles per 1000 population	1.9	0.2
Number of Hackney Taxis (% of fleet)	22%	23%
Wheelchair accessible taxis (% of fleet)	50%	4.5%
Wheelchair accessible Private hire (% of fleet)	2%	6.8%

- 4.3 Encouraging new drivers into the trade has proven difficult at a time of higher fuel costs, far fewer trips being taken by taxi and the availability of easier delivery and driving jobs. To try and maximise the numbers applying, the Licensing team held an open day for prospective drivers. This was well received and attended with groups of applicants able to undertake suitability tests and to meet with prospective Operators whilst gaining information and assistance with applications. There are now 131 applications in progress and a reassuring increase in enquiries.
- 4.4 Entry requirements are now in line with the Department for transport [statutory taxi and private-hire vehicle standards](#) and the [taxis and private hire vehicles safeguarding and road safety act 2022](#) meaning that the public can be reassured that their driver has been subject to background criminal record, medical and driving licence checks; has undertaken local area knowledge and driving tests, and has been made aware of safeguarding issues. There are often criticisms of the entry level requirements, given the drop in applicants, but this Licensing Authority wishes to put passenger safety and public protection first.
- 4.5 The next policy review is due in 2023 and there is an increasing awareness of the need to address the climatic impact of vehicles, their emissions and fuel consumption. Focus will be given to mitigating these effects, whilst progressing toward a more sustainable and greener criteria for licensing.

A move to a more environmentally friendly method of physical taxi plate production and disposal through 2023 will also see the team reduce their carbon footprint.

- 4.6 The Licensing Authority is aware that demand for accessible vehicles is not currently well met and will look through policy review to address this through vehicle entry requirements and suitability criteria.

## **5. General service summary**

- 5.1 Whilst officers have seen a reduction in Covid related work, the demand for interventions and support has remained high. The commitment from the whole team to meet statutory deadlines and to provide technical advice and guidance through working long and often unsocial hours is to be commended.
- 5.2 Licensing Officers have revised and restarted a programme of proactive premises visits, often with the support from Police Licensing and Neighbourhood team colleagues.

- 5.3 Officers have identified a number of licences suspended through either non-payment or simply the closure of the premise and are working with premises to get licences reinstated, overdue fees collected and the administrative tasks associated with licence changes completed.
- 5.4 The Licencing team have been able to accommodate significantly more taxi entry tests over the last few months to build on the number of drivers obtaining licences. The application process remains under review to make it straightforward and timely.
- 5.5 Dedicating an officer exclusively to taxi compliance continues to be invaluable. A number of proactive compliance inspections have been undertaken with Operators to ensure their deployment of drivers and vehicles is correct and record keeping is in line with legal requirements.

Ad hoc vehicle inspections and joint enforcement exercises with Road traffic Police, other Local authority licensing teams and agencies such as DVSA, and the Environment Agency have again proved useful tools for identifying non-compliance and improving the standards and safety of licensed vehicles.

- 5.6 The team have been pleased to see the return of many of the larger outdoor events this year with new events emerging for 2023. It is hoped that these events are profitable for the organisers, are safe and well-regulated and bring much needed income and variety of offer to the area. Officers look forward to administering and attending these in due course.
- 5.7 A planned migration to a replacement case management system for use by all of the Regulatory Services is currently underway. This comes with additional resource demands on officers to initially configure and test the system, but will allow many application processes to be more easily accessible online and reduce the administration requirements on applicants and officers alike.

It is hoped that this will produce efficiency savings that may offset increases in the cost of running licensing regimes, and minimise the need for fee increases at a time when the cost of living rises are already affecting ability to apply.

## **6. Consultation**

There have been no consultation exercises since the last meeting.

## **7. Financial implications**

- 7.1 The Authority continues to use suspension powers for non-payment of fees. Recovery of outstanding fees is vital to ensuring maximum cost recovery for the provision of the Licensing service.

However, in the current climate, many businesses are acknowledged to be experiencing financial difficulties and arrangements are being made where possible to permit extensions to fee dates and the introduction of payment instalment plans. This has again been welcomed by licence holders but has added a significant level of administration for officers.

## **8. Costs**

Costs for the administration of licensing regimes, monitoring of compliance of permissions, and the policies that accompany them are off-set against the fees charged to applicants. The cost associated with delivering each licence regime is regularly reviewed to ensure full cost recovery and correct construction of levied fees.

It should be noted that there will again be a financial risk to the Authority in this financial year due to the additional costs incurred through the period of the pandemic, and possible under-recovery of fees.

Temporary legislation issued through the pandemic relating to pavement cafes has again been extended by a further year with a view to more permanent changes in late 2023. The capping of fees nationally will again impact on the level of fee income obtained and there is a risk to the Authority of under recovery of costs in this area.

## **9. Funding**

The team continues to review the costs of each licensing regime to ensure the appropriate fees are levied to maximise cost recovery for the Local Authority.

A full review of the fee structures is proposed ahead of the new financial year to protect cost recovery for the Council and to ensure applicants are fairly charged.

Whilst inflationary and general price rises are noted in supplier costs for items such as taxi plating and badging materials, it is hoped that these can be absorbed within efficiency savings, IT systems and processes rather than through a marked increase in fees.

## **10. Legal powers and implications**

10.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders such as the Police, Crime & Disorder Partnerships, and the Driver and Vehicle Standards Agency (DVSA), towards the promotion of any licensing objectives.

10.2 In undertaking its licensing function, the Licensing Authority has regard to various primary legislation and statutory guidance issued alongside.

10.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies and guidance in its decision-making.

## **11. Climate change and environmental implications**

There are no climate change or environmental implications identified within this report.

However, with our continued commitment to addressing the climate emergency, future policy reviews will incorporate changes to the admissible vehicle type, age and fuel usage. There is an aspiration to move to lower emission vehicles and to encourage electric vehicles where possible. It is hoped that grant funding and incentivisation can be sought to assist with this initiative.

## **12. Risk management**

Regularly reviewing licensing policies and practices reduces the risk to the Authority.

Using a risk-rated approach to both proactive and reactive enforcement allows the team to focus resources in problem areas, promoting public safety.

Ensuring MoU agreements are in place with external partner agencies also helps to strengthen roles and responsibilities surrounding Licensing work.

## **13. Equality implications**

There are no equality issues identified as part of this report.

## **14. Corporate implications**

No corporate implications noted as part of this report.

## **15 Options**

Members are asked to :

1) Note the updates regarding the Licensing Service.

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